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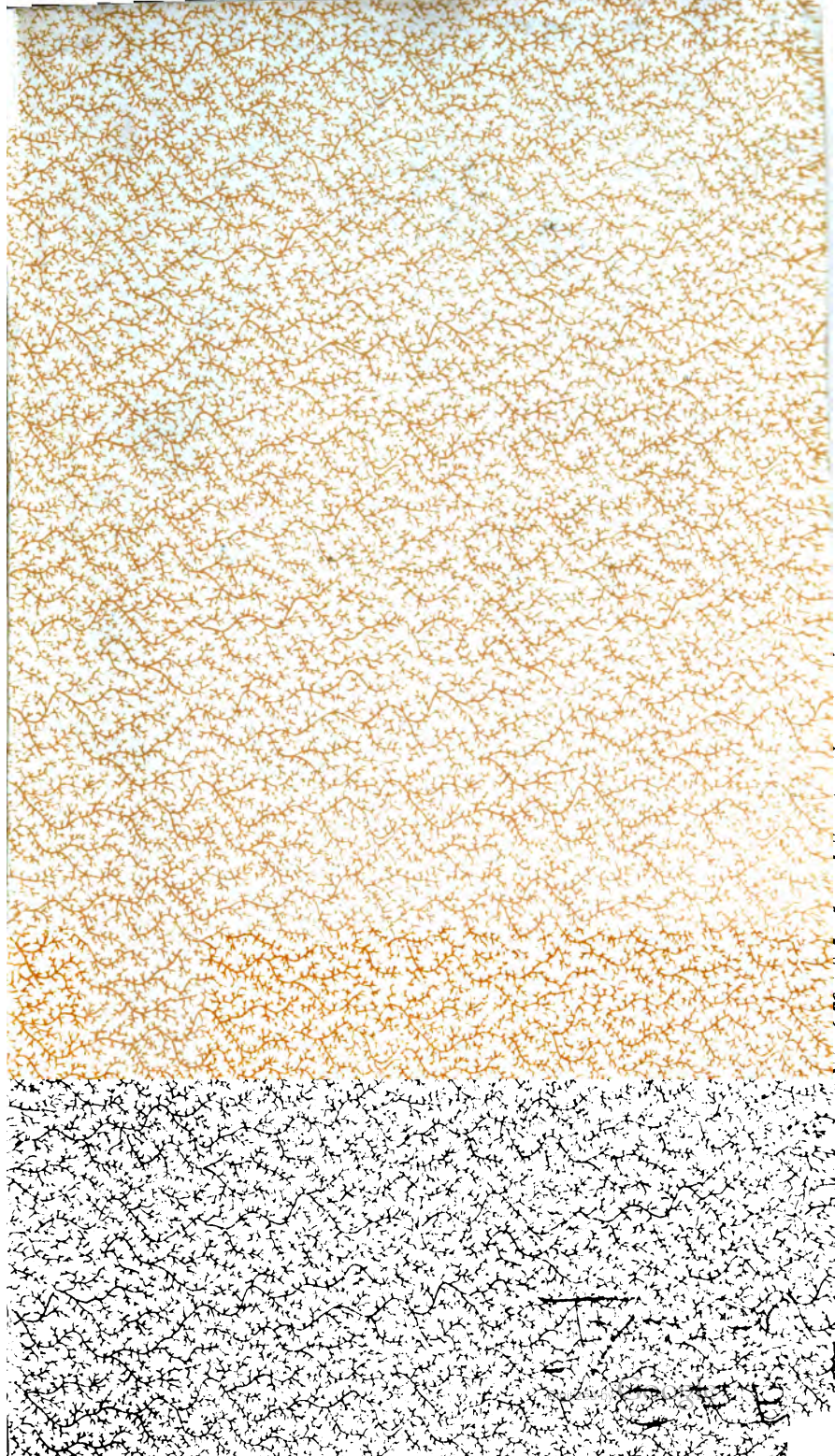
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AN
INQUIRY,
HISTORICAL AND CRITICAL,
INTO THE
EVIDENCE
AGAINST
MARY Queen of *SCOTS*;

AND
AN EXAMINATION of the HISTORIES of Dr. ROBERTSON
and Mr. HUME, with respect to that EVIDENCE.

By WILLIAM TYTLER, Esq.
Vice President of the Society of SCOTTISH Antiquaries,
and F. R. S. Edinburgh.

*When you shall these unhappy deeds relate,
Speak of me as I am, nothing extenuate,
Nor set down ought in malice.—* SHAKESP.

THE FOURTH EDITION,
Containing several additional Chapters, and an Introduction,
IN TWO VOLUMES.
VOL. I.

LONDON:
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P R E F A C E

TO THE

FORMER EDITIONS.

THE history of Scotland during the unfortunate reign of Queen Mary, has always been looked upon as one of the most interesting periods of modern history. Of late it has been treated at large by two eminent writers, whose works make a considerable figure in the republic of letters; I mean, the Reverend Dr. Robertson, and David Hume Esq.

VOL. I.

B

It

It is perhaps none of the least advantages which we now enjoy, that bigotry and party-rage have at length subsided. Whatever may be the vices of the present times, surely credulity will not be imputed to us. Every person now expects to be convinced by proof only, such as from the nature of things may be expected.

It may seem strange, yet it is nevertheless true, that the truth of the facts relating to the above æra, may with more certainty be judged of at this day, than could have been done at the time when they happened. This may easily be accounted for. The partisans of those times were too much inflamed, to trace coolly, and with deliberation, the certain evidence of facts. Heated with passion,
declama-

declamation often supplied the place of reason and proof. Hence it is, that from the many volumes of the controversial writers of that age, it is no easy matter at this day to investigate the truth.

The genuine writings relating to the above period, from which moderate men could with certainty have judged, were not to be come at. Locked up in the cabinets of ministers, whose interest it was to have them concealed, they lay hid, until the hand of time has at length thrown open the repositories, and produced these writings into light. The large collections of state-papers from the Cotton library and Paper-office published by Anderson, Cecil Lord Burleigh's papers published by Haynes, Dr.

Forbes's papers, and a still later collection of the above minister's papers from the Hatfield library, published so late as the year 1759 by Murden, all serve to throw new light upon the transactions of the English court with respect to Mary Queen of Scotland.

It is true, however, that such part of the written evidence as served to blacken and defame that princess, was taken care to be published at the time, and spread abroad against her. Such were certain *letters* said to have been written by her to the Earl of Bothwell. Upon the evidence of these, Mary has been generally condemned, and her name consigned to infamy. And indeed, if we admit these writings to be genuine, her advocates will

2

labour

labour in vain to convince the world of her innocence.

These writings were, however, not only denied by the Queen to be hers, but positively asserted by her and her friends to have been forged by the Earls of Murray and Morton, her accusers, who produced them against her.

A late author, the learned Mr. Goodall, keeper of the Advocates' library at Edinburgh, was the first who attempted to bring a direct proof of the forgery of the *letters*. His examination of them, and the conclusion he has drawn from thence, is one of the most acute and ingenious pieces of criticism that is extant.

On the other hand, Dr. Robertson and Mr. Hume have, in opposition to Mr. Goodall, endeavoured to support the authenticity of these *letters*.

In this state the author of the following treatise took up the question. Curiosity, and a strong desire to find out the truth, were inducements to him to try, if, amidst so many mazes and perplexed windings, some path might not be fallen upon that led to truth.

His plan was, to trace these *letters*, step by step, from their first appearance in the hands of the Earl of Morton, who produced them against Queen Mary; and to remark, with care and candour, every circumstance that attended them through the whole procedure in the conferences
before

before Queen Elizabeth and the English council.

Towards this plan Mr. Goodall had smoothed the way, by the collection of original papers contained in the second volume of his work; by which he has united the chain of procedure in the above conferences, and supplied us with such papers as Anderson in his collections has with much partiality suppressed.

In proceeding upon this plan, the author was soon sensible of the light breaking in upon him, by the beams of which he has been directed.

Besides the Queen's letters to the Earl of Bothwell, some other pieces of written evidence were produced by the Earls of Murray and Morton

B 4

against

against her, which Mr. Goodall had not examined; such as, the *love-verses*, or *sonnets*, said to be written by her to Bothwell; also the *confession* of Nicholas Hubert, or *French Paris*. These the author has now critically examined, and brought under the eye of the public.

He has likewise brought together in a collected view, the direct or positive evidence, still on record, tending to show what part the Earls of Murray and Morton, and Secretary Lethington, had in the murder of the Lord Darnley. This part naturally leads into a history of the whole facts which serve to throw light upon that dark affair; and to an examination of the histories of Dr. Robertson and
Mr.

Mr. Hume, in so far as they relate to these facts.

In treating this subject, as the author disdains the name of a party-writer, he is conscious of no design to mislead the reader. He has asserted nothing without giving good authority; he generally quotes the very words of the records, and leaves the reader to give his own judgment. If he has differed, either in point of fact or argument, from any of the latest writers on this subject, he has given his reasons; and hopes he has done so with that deference which is due to the public, and with that temper and good manners which every gentleman has a right to expect. In the course of argument, it is scarcely possible, for one who thinks he has conviction on his side, to remain at
all

against her, which not examined; such or *sonnets*, said to be written by Bothwell; also the confession of Hubert, or *French Poet*, who has now critically examined and brought under the public view.

He has likewise brought in a collected view, the distinctive evidence, still on record to show what part the Earl of Ray and Morton, and Secretary of State, had in the murder of Lord Darnley. This part leads into a history of the whole, which serve to throw light upon the dark affair; and to an examination of the histories of Dr. Robert

and dispassionate. If, as he may have experienced of a critic, he feels, and hopes to stand in need of account.

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all times cool and dispassionate. If, in some passages, he may have exceeded the moderation of a critic, he did not mean to offend, and hopes that he will not often stand in need of an indulgence on that account.

Already, two centuries have passed since the time of the transactions which gave rise to this dispute; and however the partisans of those times might have been inflamed in their controversy, the author sees no good reason, at this day, for keeping up that ill humour. He looks upon this subject as one of those dark and intricate parts of history that have occurred in the annals of every nation.

It is, perhaps, of no great moment, at this day, to find out whether the accusation brought by Philip the Fair
of

of France, against the Knights Templars, was truly just, or altogether false and political, in order, by their extirpation, to seize upon the immense revenues of that rich community: Or, whether the person who appeared in different places, after the defeat of Don Sebastian King of Portugal in Africa, and was imprisoned and put to death by the King of Spain, then in possession of his dominions, was an impostor, or the identical King of Portugal. Such dark passages in history have exercised the pens of the learned, the curious, and the inquisitive, in every age. As such the author considered the present subject, and as such has treated it, with no other view, than that of discovering the truth, by endeavouring to elucidate a piece of history, in itself important and interesting. At the
same

same time, for the honour of the sex, what generous breast would not endeavour, if in his power, to rescue an unfortunate and injured princess, from a load of infamy that has been thrown upon her? Who can even read Dr. Robertson's history of the ill-fated Queen Mary, without wishing to find her innocent?

The author's first intention was, to study brevity; on which plan, it may be said, his work might have been more concise and contracted: but when the subject is considered to be an examination of writings, and a critical discussion of the several arguments of different authors founded upon these writings, he hopes there will appear good reason for his chusing rather to be explicit than short, and full rather than obscure.

He

He is very sensible of the imperfections attending his work, and of the indulgence of the public in their favourable reception of the first impression of it. He has, by a revival of the former edition, retrenched what he thought was superfluous, and availed himself of several observations of his friends, in making very considerable additions in the present. His greatest difficulty through the whole has been, to trace out the avenues that lead to truth, and to clear away the rubbish of two centuries, which obscured and choked them up.

Clara——præpandere lumina menti,
Res quibus occultas penitus convellere possis.

LUCRETIVS.

SINCE the publication of the last edition of this work, several new writers have appeared in the cause.

The late learned Dr. Gilbert Stuart, in his History of Queen Mary, has placed the character of that unfortunate princess upon a solid basis. His work is judicious, nervous, and eloquent; founded upon authentic records, which will stand the test of criticism.

After the History of Dr. Stuart, a pamphlet appeared, under the title of "Miscellaneous Remarks on the Inquiry into the Evidence against Queen Mary." This writer, under the disguise of a friend to the Queen of Scots, endeavours, by sarcasm and
3 irony,

irony, to turn to ridicule the arguments urged in her defence by Mr. Goodall and the author of this Inquiry.

Thus the late Lord Bolingbroke, while he endeavours to sap the foundation of all religion, tells us, with much affected zeal, that its cause had been betrayed by a wicked confederacy of Divines and Atheists. The miscellaneous Remarker sets out with declaring, "That however disastrous Queen Mary's intercourse with the Earl of Bothwell might be, yet, with respect to her, it was innocent *; and that her advocates and champions, in using weak arguments in her defence, have injured her cause." Versant in verbal criticism, this Remarker, to the utmost of his ability, attempts to

* Can Queen Mary be innocent, if the *letters*, which this Remarker endeavours to support, are authentic?

support

support the pretended *letters* of the Queen to Bothwell, against Mr. Goodall and the author of the Inquiry; and having, in his own opinion, established the authenticity of those *letters*, he leaves his innocent Queen Mary in the hands of her enemies, stripped of every defence against their accusation. Such is the honest and ingenuous plan of the Miscellaneous Remarker*.

To put an end to this important controversy, in which several of the most able and distinguished writers of the age have been engaged, was reserved for the learned Mr. Whitaker. This Gentleman enters the lists bold and intrepid in the defence

* I should not have taken notice of this performance, had not Dr. Robertson, in his late edition, referred to these Remarks.

of

of oppressed innocence : his warmth is the result of his honest feelings. His work, at once learned, acute, and candid, comprehends the whole arguments on either side, which are discussed with such perspicuity, ability, and decision, as, we apprehend, leaves no further place for scepticism in the Marian controversy.

The Author of the Inquiry thinks himself bound to acknowledge the liberality and candour of Mr. Whitaker, in the distinguished manner in which he treats his Vindication of the injured Queen of Scots. In justice to himself he must say, that his attempt was disinterested at least, and on the side of humanity.

The consciousness of this, of itself, was sufficient reward to him, in his

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own breast; and when he finds super-added to this, the public approbation, he owns that he feels himself abundantly compensated for his trouble. While Mr. Whitaker does him honour, he makes one reflection upon the success, perhaps unmerited, of his work, which the Author of the Inquiry must here explain. "His success," says Mr. Whitaker, "has injured his master's reputation. The glory was in no small measure Mr. Goodall's, yet this original proprietor is almost forgotten."

Perhaps in some measure this is true; yet, as the Inquirer hopes, from no fault of his.

When Mr. Goodall first gave his work to the Public, the history and misfortunes of Queen Mary seemed to be forgotten. Her ill-fated marriage

riage with the Earl of Bothwell, the person reputed to be the murderer of her former husband Lord Darnley, carried with it such presumption of her guilt, as, without almost any other proof, convinced her enemies. The *letters* said to have been written and addressed by her to the Earl of Bothwell, seemed to be convincing proof against her, and put to silence the friends which remained to her. It had indeed been always asserted by the Queen and her friends, at the time that those *letters* were exhibited, that they were forged; but no direct proof of this appeared: for this good reason indeed, that the *original letters* produced by her rebel subjects before Queen Elizabeth, which Mary, with the utmost solicitude, desired to see, and to answer, were as anxiously kept up by Elizabeth from her,

C 2

during

during her life. Thus the *letters* remained as evidence against the oppressed Queen down to the present time.

Mr. Goodall, in the year 1752, published his examination of the *letters*. —To every impartial reader his proof of the falsehood of these *letters* is clear and convincing. Yet such is the effect of prejudice, that this learned and ingenious detection, with difficulty, and with slow steps, made its advances to the ear of the Public. It has been the peculiar misfortune of Queen Mary, from the beginning, to be condemned unheard. Now, from the lapse of time, the prejudice against her had gathered strength and taken deep root; her cause seemed desperate. Mr. Goodall's Vindication, without a fair examination, was considered

sidered as a piece of Quixotism, and as such held out to the Public *.

Soon after its publication, the Histories of Dr. Robertson and Mr. Hume made their appearance; in which, answers were given by these writers to Mr. Goodall's Vindication; not by a particular investigation of his proof, detecting the letters to be false and forged; but in eluding his argument, by supposing, or presuming (for beyond a presumption it never arrived), that the *French letters*, printed at the very time, and downwards to the present time held by all the world to be the *original letters* written by the Queen, yet were not so, but were copies from a vitiated translation. This is an evasion, a mere subterfuge of these historians. Mr. Goodall,

* See the periodical papers of the time,

and the Author of the following Inquiry after him, apprehend they have brought proof, full as from the nature of the thing at this day can be expected, of the fact required by Dr. Robertson, viz. that the *French letters* which we now have, are the identical letters which were produced by Murray*;—the general assent given by all the world, to the authenticity of the French letters, at the time they were printed and published in London, where the exact copies of them, as presented by Murray and his associates to Queen Elizabeth, were lodged, and by which a spurious copy must have been immediately detected; and this general assent, confirmed and acquiesced in for above two hundred years, by the writers on

* See Inquiry, Part I. chap. ii. and iv.

both

both sides, without challenge or contradiction, until the present æra; when the two historians, Dr. Robertson and Mr. Hume, thought proper to throw out their conjecture against them, as false and unauthenticated, in order to elude Mr. Goodall's detection of the whole forgery of Murray's letters. Yet such at the same time is their procedure, that upon the same false copy, according to the hypotheses of the two historians, have they rested their strongest arguments against Queen Mary *.

Mr. Goodall was urged by several of his friends at the time, to reply to the two historians, in vindication of his detection of the *letters*. This however he declined, from an honest

* Robertson, vol. i. p. 397. octavo edition.

indignation at the uncandid reception his book had met with. He had, however, collected materials for a history of the reign of Queen Mary, in which, no doubt, he would have taken notice of what had been advanced by the two last historians in opposition to his examination of the *letters*; but he did not live to accomplish his design. Thus the cause of Queen Mary seemed to be given up; her champion had retired from the field.

The Author of this Inquiry had read and examined with care Mr. Goodall's book, at the time of its publication. He did the same justice to Dr. Robertson and Mr. Hume. As to these last he found himself disappointed. He owns that he expected, from
two

two authors, whose names justly stood high in the annals of literature, a candid acknowledgment of Mr. Goodall's detection of the palpable fraud of the letters, instead of having recourse to an evasion, to elude the combat with him.

The love of justice is imprinted in the breast of every man. If there be a latent grain of native virtue in the human heart, innocence oppressed will raise it into a flame. Under this predicament the Author of the Inquiry found himself. He was sensible that Mr. Goodall's book, although a most ingenious and learned piece of criticism, and satisfactory and convincing, was not calculated for the generality of readers: amusement, without the fatigue of much thought, is the prevailing taste of the time. Mr. Good-
all's

all's examination of the *letters* is an abstract piece of criticism, which few will give themselves the trouble to dip into. Separate from the examination of the *letters*, one of the strongest arguments in favour of Queen Mary, arises from a careful investigation of the several steps of procedure in the conferences of the English and Scottish commissioners in the cause of Queen Mary and her rebel subjects at York, and at Westminster in presence of Queen Elizabeth. In these conferences, the manifest partiality of the last, and her determined, though covered purpose, of instigating these rebels to defame and accuse their Sovereign, while the pretended proof of their accusation was artfully, and by various shifts, kept from her sight, is there brought to light, and the shameful duplicity of
Eliza-

Elizabeth, through all her artifice, stands detected.

Mr. Goodall had, with great care, collected the whole acts and journals of the above conferences, which he gives at full length *verbatim*. These compose a volume, of not very pleasant reading. Few readers will take the trouble to trace the facts from these dry journals themselves. The historians followed a different course. Their account of the conferences is general, superficial, and often erroneous. They knew the easy humour of the time. They took the popular side, the beaten road, which they strewn with flowers. Their histories are pleasant, eloquent, and plausible. Was it to be wondered, the cause of Queen Mary sunk under the weight of two such popular writers?

To rescue from infamy an illustrious, injured character, in opposition to such writers, appeared to be a bold, a rash attempt, in the Author of the Inquiry: from the love of justice, from conviction in his own mind of truth, he was prompted to the attempt. Could he but make the argument of Mr. Goodall more palatable to the present taste; could he render less abstruse his learned detection of the *letters*, the chief evidence against Queen Mary, and expose the fallacy of the objections raised against it by the two historians; could he trace, through all her mazes, the artful Elizabeth, and expose to light the double and infamous conduct of her and her ministers, in supporting Queen Mary's rebel subjects, while, under the mask of friendship and impartiality,

partiality, she was instigating them to accuse and defame her; and, to go a step further—could he, by a plain historical narrative of facts, attested by clear and unquestionable evidence, unfold the previous steps and circumstances which lead to the murder of the Lord Darnley, with the parts which the Earls of Murray, Morton, and their confederates, acted in that dark and horrid scene, and in its consequences, he doubted not of success.

Such were the Author's motives, such was the plan of his work. Mr. Goodall had retired. The two historians remained on the field. The Author again brought up Goodall's forces. He joined to them his own, such as they were; he renewed the
combat;

combat; the enemy, in their turn, retired, and left the champions of Mary masters of the field.

In this performance the Author disclaims all rivalship with Mr. Goodall. His learned and original work must always be regarded as the great bulwark in the defence of Mary Queen of Scots.—Thus far only seemed necessary to the Author of this Inquiry, to apologise for his own work.

In the present edition, he has corrected a few mistakes into which he had fallen in the former editions. He has, by way of introduction to his work, given a view of the state of the kingdom of Scotland, and of the principal characters who figure in the

the following transactions. He has likewise made several important additions; particularly an examination of the Queen's conduct, from the æra of Rizio's assassination, to the murder of Lord Darnley; with a dissertation on that affair. And to render his work more agreeable to the reader, he has endeavoured to connect this critical examination of the evidence against Queen Mary, with a commentary, or outlines of the history of the times from whence the most important parts of his work take their rise: all which, with deference, he submits to the judgment of the Public.

He should be unjust, were he to omit taking notice of Mademoiselle de Keralio, the author of the latest publication

cation on the side of Queen Mary: *L' Histoire d' Elizabeth Reine d' Angleterre*, written by that Lady, is a work of very great merit. Although she appears as an apologist for the Queen of Scots, she is not blind to her failings. She has, with amazing industry and research, collected all that relates to the transactions respecting Queen Elizabeth and Queen Mary from the British writers, and likewise from those of her own country, which she has selected with judgment. Her style is nervous and animated; her reflections are sensible, and her arguments convincing. Such a work was wanting, to do complete justice to the injured Queen Mary. Buchanan's History of Scotland, which, with regard to the Queen of Scots, is a continued libel against her,

her, written in a learned language and elegant style, and referring to authorities now detected as false, had spread infamy upon the character of Mary over the Continent. Although these falsehoods have been fully exposed, and Mary stands now vindicated at home, yet her vindication has scarcely reached the Continent. Mr. De Thou, Bayle, Voltaire, and other French writers, seduced by Buchanan, had adopted his falsehoods. To remove what they had inculcated, was reserved for Mademoiselle De Keralio; for the pen of a French Lady, to restore the character of a Queen of France, who was once in high esteem there, and who once shone among the most illustrious characters in that kingdom.

VOL. I.

D

This,

This, Mademoiselle De Keralio has effectually done. She has completed the triumph of Queen Mary, by a work, which does honour to her sex and to her country.

INTRODUCTION.

THE subject of the following Inquiry, is an apology, or vindication, of the character of the illustrious Mary Stuart, hereditary Queen of Scotland by birth, and Queen of France by her marriage with King Francis the Second of that kingdom. The character, accomplishments, and misfortunes, of this princess, have been the subject of much writing and controversy among the British historians. Republican writers, equally averse to monarchy and to the house of Stuart, have drawn her picture in the blackest colours, by traducing her as an accomplice with the Earl of Bothwell in the murder of the Lord Darnley her husband. On the other hand, the

writers attached to the ancient constitution of their country, and to the family of Stuart, have regarded that unfortunate princess as one of the most virtuous and accomplished characters of that age, and as a victim to the secret conspiracies carried on by some of the heads of the reformed party in her kingdom for her destruction; which, by the basest arts, and at last by open rebellion, they accomplished.

By way of Introduction, the Author judges it not improper to sketch a few outlines of the ancient history of Scotland, leading to a connected view of the principal facts, and characters, concerned in those transactions which give rise to the following Inquiry.

MARY STUART, the lineal descendant of a long race of kings, was the only daughter of James King of Scotland, the fifth of that name, and of Mary of Lorraine, daughter

ter of René Duke of Guise. Her misfortunes may be said to have begun at her birth, by the death of her father, who died five days after that event, leaving her and his kingdom in the midst of an ocean of storms and tempests which threatened them on every hand.

The government of this kingdom was from very remote antiquity monarchical and hereditary. As the feudal system was introduced very early among a fierce and brave race of men, addicted to war, and fond of signalizing themselves in the field under the banners of their Chieftains; these officers, who were possessed of large estates, descendant in their families, and of a numerous vassalage, were, when united, at all times more powerful than their Monarch: hence a perpetual jealousy subsisted between the King and Nobles.

James the Fifth, the father of Queen Mary, a high-spirited prince, endued with many accomplishments, and beloved by his people, formed a plan for lessening the power of the Nobles. He began by ingratiating himself with the clergy, who at that time formed one of the three estates of the kingdom; and, by the liberality of the ancient Scottish monarchs, were possessed of great revenues annexed to the church. James repaired his fortresses, filled them with men, arms, and ammunition. He then, by degrees, began to restrain the insolence of some of the nobility; and, under various pretexts, to call them to account. The Earl of Angus, the head of the ancient and potent family of Douglas, was attainted for treason, and the Earl of Bothwell was banished into France for holding a treasonable correspondence with the King of England. By these and other examples, the resentment of the nobility

was

was awakened, which soon shewed itself in a very extraordinary manner.

Henry the Eighth, King of England, having declared war against James his nephew, this last having summoned his chieftains to attend his standard in defence of the kingdom, they obeyed, and marched to repel the English army, who had entered Scotland. These, through scarcity of provisions and the inclemency of the season, being obliged to retire before the Scots; James, at the head of his army, leading them on to the attack, his Nobles, with their vassals, followed him, until they saw the enemy repass the limits of the kingdom, beyond which, to the great mortification of the King, they refused to advance a step. On the return of the season, James again called together an army, with design, in his turn, to invade the English territories; and gave the command to Oliver Sinclair, as General. On this, the army,

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by

by the influence of their chieftains, not only refused to follow him, but on the first attack surrendered without a stroke to the English. This surprising event discovered to the King the general disaffection of his Barons, who, in all probability, were gained over to the interest of the English Monarch, and his own inability to reduce them to obedience. A conflict of passions took place in his breast, and impaired his health; and the sudden death of his two sons happening at this time, these concurring disasters brought this high-spirited prince to an early grave. He died at the age of thirty-three years, leaving behind him one only infant daughter, Mary, the heiress of his crown.

James, with a few failings, had much merit in his attempts to reform the manners of his kingdom, and to enact good laws. The courts of justice, which were unfixed and arbitrary, he made permanent

and regular. He established the Supreme Court of Session, under the name of The College of Justice; and encouraged learning and arts, in which he was himself well skilled, particularly in poetry and architecture. Most of the royal palaces were repaired by him; so that it is said few kings in Europe were more elegantly lodged than King James the Fifth. Of his poetry there are, according to tradition, some remains, which are esteemed by his countrymen.

On the death of James the Fifth the kingdom was divided by faction: the clergy, from their concurrence in the King's measures, were detested by the nobility, who now assumed the ascendant. The Queen-mother, a woman of prudence and fine parts, at first wisely took no part in government, but studied to ingratiate herself with all. The nobility unanimously made choice of the Duke of Chatelherault,

the

the next heir to the crown, to be Regent of the kingdom during the infancy of the Queen.

The new opinions with regard to religion, first introduced by Luther into Germany, had before this time got footing in England. King Henry the Eighth's love for Anne Boleyn is well known to have been his motive for quarrelling with the Pope, who refused his sanction to the King's divorce with Queen Catherine, and to his marriage with Anne. Henry, on this, renounced the Pope's authority, declared himself the head of the English church, and gave encouragement to the new or reformed religion. Henry, at the same time, gratified another passion, avarice. By abolishing the abbeys and monasteries throughout his kingdom, he became master of an immense treasure, which for ages had been accumulated in those sanctuaries. Some time before the death of
James,

James, Henry his uncle had proposed an interview and conference with him at York; but this was prevented by the Scottish clergy, who, afraid of the consequence, had influence with James, to keep him steady to the Catholic religion. Many of the nobility, on the other hand, from their hatred of the clergy, but still more from a view of sharing in their rich benefices, and in the spoils of the religious foundations, which, on the King's death, and while his infant daughter was under age, they looked upon as a proper opportunity to lay hold of, became converts to the new religion. Cardinal Beaton, Primate of Scotland, who had long been prime minister to James, foreseeing the growth of the new opinions, had, by many severe examples, in vain endeavoured to put a stop to its progress. The purity of the principles, and simplicity in the worship of the Protestant religion; the unshaken firmness of its converts, shewn

shewn in the midst of torments; served only to disseminate and establish their principles, while it excited in the populace rage and hatred against the Cardinal and Popish clergy.

Many divines, who in the late reign had, on account of their principles, fled the kingdom, and taken refuge at Geneva, where they had become disciples of Calvin, now came over to Scotland, and professed and taught his doctrines. Their hatred against the tyrannic Cardinal, whom they considered as the author of their persecution, prompted a few desperate fanatics to assault his castle of St. Andrews, where they barbarously murdered him. His death was a fatal blow to the Catholic religion, which in him lost its chief support: for, although the Regent Duke of Chatelherault adhered to that religion, yet he wanted the parts and firmness of the Primate.—Such
was

was the unsettled state of the kingdom with regard to religion, after the death of King James the Fifth.

With regard to the political state of Scotland, we must go back to a few traces of its more ancient history, in order to throw light upon the present æra.—The Scottish Monarchs, besides what properly was the kingdom of Scotland, had, from a very remote antiquity, been in possession of some of the northern provinces of England; such as part of Northumberland and Cumberland, which they held as fiefs, and did homage for them to the English crown. Upon pretext of this partial homage, the English Monarchs, at different æras, made pretensions to the sovereignty of the kingdom of Scotland, as its Superiors, or Lords Paramount. The Scots, ever jealous of their liberty and independence, constantly rejected, with disdain, this absurd and ill-founded claim. The many
obstinate

obstinate wars between the English and Scots, which this claim occasioned, are well known in the histories of both kingdoms.

The policy and arms of Edward the First, though they embroiled the country for many years, were effectually resisted by the patriotic efforts and heroism of its defenders: and this prince, while he transmitted upon his death-bed, an empty claim of sovereignty over Scotland to his feeble successor, left him a legacy from which he derived nothing but dishonour. The defeat of the English by King Robert Bruce at Bannockburn, and their total extirpation from the kingdom, lulled asleep, for a considerable time, those chimerical pretensions: and they were afterwards solemnly renounced, with the consent of parliament, by the high-spirited Edward the Third; who, even in his treaty with his captive David the Second, considered the nation as free,

free, and the sovereign as an independent prince. Thus matters remained till the accession of Henry the Eighth, who, after many ages, attempted to revive this antiquated claim, and endeavoured by force of arms to accomplish the entire conquest of Scotland. This design, however, he found himself soon obliged to abandon. The Scots were now united; their martial spirit and bravery, the situation of the country, and the assistance they might derive from France, with which they kept a perpetual league, convinced Henry of the improbability of his succeeding in his scheme by force of arms. He followed another plan: the people he could not subdue, he chose to divide. By gold he found means to corrupt and gain over to his interest, some of the Scottish nobility, who formed a faction, which divided and embroiled the kingdom. We have already seen its effect in some strong instances in the latter part of the reign of

James the Fifth, particularly their misbehaviour at Solway Moss. Now, by the same means, that faction was cherished and kept up in the infancy of his daughter Queen Mary. This base policy, followed out by Elizabeth the daughter of Henry, through the whole unfortunate reign of Queen Mary, we shall see traced in the following Inquiry, which finally brought that Princess to the scaffold. To this corrupt party were now joined several of the heads of the reformed, who, under the pretence of religion, had not only the view of disturbing and perplexing government, but likewise that of sharing in the spoils of the church, which they successfully laboured to overturn. The infancy of the Queen, and the weakness of the Regent Duke of Chatelherault, opened a new view to the politic King Henry. By making an overture of marriage between his son Edward and the infant Queen, he flattered himself with the hopes of uniting the two kingdoms

doms under his sway. Finding however his proposal not relished by the patriot Scots, who, through it, foresaw an end to the independency of their country, he prepared to enforce his scheme by invading Scotland with a numerous army; when death put a stop to his career.

The Duke of Somerset being named Protector during the non-age of the young Edward the Sixth, followed out the scheme of the late King. With a great army he suddenly invaded Scotland; and coming to an engagement with the Scots at Pinkey, gave them a great defeat. From this success however the English derived no advantage; the Scots by their defeat became united, and exasperated against the English; and to put an end at once to any future attempt of a marriage with their young Queen, by the address of the Queen-mother, Mary of Lorraine, an embassy was sent to Henry the Second of France,

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solicit-

soliciting his assistance against the English, with an offer of the infant Queen in marriage to the Dauphin Francis, his son. From the ancient league between France and Scotland, which had subsisted from the time of Charlemagne, reciprocal advantages were derived to each nation. The offer now made, of their Queen in marriage, was with joy accepted by the King of France; in consequence of which, the infant Mary was, at the age of six years, sent over to that kingdom, where she acquired every accomplishment, in the most polite court then in Europe, that could adorn a princess.

The infancy and absence of the Queen, and the weakness of the Regent Chatelherault, were favourable circumstances for the reformed religion, which, by the zeal of its preachers, daily gained ground. The Queen-dowager, a woman of singular prudence, by her address procured herself to be

be chosen Regent, in place of the Duke of Chatelherault, and exerted her utmost endeavour, at last by force of arms, though in vain, to support the Catholic religion. The reformed party, supported by Queen Elizabeth with money and troops, in the end prevailed. The Queen-dowager dying, the estates of the kingdom assembled in parliament, and formally abolished the old religion. In this measure, not only a great number of the nobility, who had already got into possession of a great part of the temporalities of the church, but likewise several of the dignified clergy, joined. These last (either from conviction, or from the dread of being stripped of their benefices), complying with the measures of the reformed, were allowed to retain the revenues of their churches and abbeys. Thus was the Catholic religion overturned in Scotland, and the Reformed or Protestant established in its place, by the states of the

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king-

kingdom. The assent of the Sovereign, necessary according to the laws and constitution of the realm to make so fundamental an alteration valid and constitutional, was still however wanting. What measures might have been taken by Queen Mary and King Francis her husband, in vindication of so essential a branch of the prerogative, thus wrested from her, is uncertain. The death of Francis soon after, confirmed the Reformed in their rights, by depriving Queen Mary of that power by French assistance to alter or overturn their measures.

The sudden death of King Francis effected a melancholy change in the affairs of the young Queen of Scots in France. Queen Mary, to the finest parts, a graceful carriage, and easy and dignified manners, joined the most beautiful figure of any woman of the age. Her wit and affability had gained the hearts of the French.

French. By her interest and influence, her uncles the Princes of Lorraine swayed the councils of King Francis. The Queen-mother, the famous Katherine of Medicis, who during the short period of the reign of Francis had, with reluctance, given place to her daughter-in-law, now resumed her former sway, and studied to give every mortifying proof of neglect to the Queen of Scots. Mary, conscious of her dignity, had too much spirit to brook degradation. She determined to comply with the solicitation of her own subjects, and returned to Scotland, where she was received with the greatest demonstrations of joy.

Behold now this young Queen, at the age of nineteen, alone, a stranger, and almost without a friend, in her own dominions! in the midst of a people fierce and rude! the nobles, proud and almost independent, whom her father, the high-spirited James, found himself unable to

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control!

control ! the major part of the nation, of the new religion, were led by the clergy, a rigid, morose, and illiberal set of men ; conscious of their power over the people, and jealous of the Queen as the protector of the Catholic religion. In this situation it would have been no easy matter for a prince endued with the greatest wisdom and fortitude to have sat easy on so tottering a throne ; what then was to be expected from the unexperienced years and sex of so young a princess, thus beset with dangers on every side ? Yet such was the prudent conduct of this young Queen, her affable and winning carriage, and her native dignity, tempered with easy politeness of manners, that she not only commanded respect, but gained the hearts of her subjects : so that had Mary had no other difficulties to have encountered, these, by her good conduct and government, she would have conquered, But she had still
a more

a more dangerous and formidable enemy to struggle with—Elizabeth Queen of England.

It is not strange that two Queens, swaying the sceptres of the divided kingdoms in the same island, should have considered each other as rivals. But Elizabeth had a more serious ground both for jealousy and fear, from her neighbouring Queen and cousin.

The mother of James the Fifth, the grandmother of Queen Mary, was eldest daughter of King Henry the Seventh of England, and sister to the late King Henry the Eighth, the father of Elizabeth. It is well known, that upon the death of Prince Arthur, the elder brother of Henry the Eighth, this last espoused his widow Catherine of Spain, by whom he had one daughter, Mary, who reigned after him.

The tragical amours of that wicked prince are well known: of his six queens, he divorced and beheaded four. The same inconstancy, which, on pretended scruple of conscience, made him put away his wife Catherine of Spain, to make room for his mistress Anne Boleyn, prompted him to cut off the head of this last, for a new amour; and still farther, to procure from his servile parliament, a solemn act, declaring the issue of both the above marriages to be illegitimate. Setting aside, therefore, Mary, the daughter of Queen Catherine, and Elizabeth, the daughter of Anne Boleyn, on the death of Edward, Henry the Eighth's only son, the succession to the crown of England opened to Mary of Scotland. Notwithstanding, however, the above act of the English parliament, which declared the illegitimacy of Mary and Elizabeth, yet, on the death of Edward their brother, the good sense of the nation called

called them successively to the crown, almost without opposition.

From the time that Henry the Eighth had formally renounced the Papal authority, and declared himself the head of the English Church, that nation had alternately fluctuated between the Catholic and Protestant religion. The short reign of the cruel and bigotted Mary of England, was a continued scene of persecution and bloodshed to the Protestants; the effect of which, instead of extinguishing, added numbers of converts to their principles. On the succession of Elizabeth to the throne, the Protestant religion was established by law.

The Catholics, who were numerous, although they made no opposition to the accession of Elizabeth, yet trembled at the innovations which they saw introduced into the religion and laws of the kingdom, by
a Queen

a Queen of her ability, and the head of the new religion. In their situation, and as Elizabeth had shewn her aversion to Mary, it was natural for them to turn their eyes to Queen Mary of Scotland; the next lineal heir to the crown, whom they also considered as the head and protectress of the Catholics. An incident which happened about this time, awakened and called forth that resentment of Elizabeth against the Queen of Scots, which was the source of all her misfortunes.

The Pope, and the Catholic princes on the Continent, had always considered King Henry the Eighth's marriage with Anne Boleyn in the lifetime of his wife Queen Catherine, as criminal, and illegal, according to the act of the parliament of England; and in consequence, Elizabeth, the issue of that marriage, as of spurious birth. On the marriage of the young Queen of Scots with the Dauphin Francis,
his

his father, King Henry the Second of France, began to look with envy and indignation, at seeing the crown of England, to which he persuaded himself that Queen Mary his daughter-in-law had so good a claim, possessed by Elizabeth, whose illegitimate birth was sufficient to have excluded her from it. By instigation of the King of France, and the ambition of the Princes of Lorraine, Mary's uncles, the Queen of Scots and her husband, the Dauphin, were persuaded to assume the title and arms of King and Queen of England.

A claim thus declared, without ability to make it good, was weak and foolish, and served no beneficial purpose; on the contrary, it called the attention of the Queen of England to her own situation, and incited her to guard against the designs that she suspected might be carried on against her, both by the Catholic princes abroad,

and by her own subjects at home, over whom, during her whole reign, she held a steady and strict hand; and against her rival Queen Mary, it kindled that hatred and resentment, which was quenched only by her blood.

In the time of the late Queen-regent, and while Mary was in France, Elizabeth had supported the Protestants in Scotland, and supplied them both with money and troops; by which they were enabled, in the end, to overturn the Popish religion, and to establish the Protestant in its room.

Although the pretext was religion, yet the heads of the party had deeper designs in view; no less than the dethroning their Queen, and seizing the reins of government.

The part which Queen Elizabeth took in the conspiracies carried on for this purpose, is developed in the following Inquiry:

quiry: who were the principal actors in them shall now be mentioned.

James Stuart, Prior of St. Andrews, the bastard son of the late King James the Fifth, shewed a very early design upon the crown. He was, by the will of his father, destined and educated for the church, and endowed with the Priory of St. Andrews, one of the richest benefices in the kingdom, with a view of preventing him from interfering in the secular affairs of state. But the infancy of the Queen at her father's death, her absence from Scotland, and the growing strength of the new religion, to which the Prior, from politic views, had early become a convert, and of which he affected to be the head, opened to his ambition the dazzling prospect of a crown! He was possessed of excellent parts, a penetrating genius, and of great intrepidity and ambition; those last qualities he carefully covered, under the

the disguise of sanctity and religion. Such was the Queen's bastard brother. He had, by his munificence, very early attached to his service, the celebrated George Buchanan, one of the greatest geniuses of the age, an adept in classical learning, an eminent historian, and a fine Latin poet. But these distinguished qualities of the head, were balanced by the defects of his heart! *Has tantas animi dotes vitia æquabant.*—On the young Queen's coming over to her own dominions, she heaped extraordinary favours, both upon the Prior and upon his tutor Buchanan: upon the first she conferred the Earldom of Marr, and soon after created him Earl of Murray, with one of the highest revenues in Scotland, and appointed him her first Minister. As to Buchanan, she had invited him from France, with the view of his taking the charge of the education of her infant son, and in the mean time she settled on him a pension of 500*l.* during his life; which,
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at that time, was of more value than any ecclesiastical living at this day in Scotland *. Yet these were not sufficient to bind to their duty men, who, without principle, were instigated solely by their views of ambition. How humiliating to human vanity! What a reproach to the human heart! that the same hand that penned the beautiful dedicatory Poem to Queen Mary †, which wrote that immortal Paraphrase of the Psalms, should, soon after, be prostituted to defame his sovereign by a most false and calumnious libel,

* Goodall, vol. i. p. 75.

† “ Nympha, Caledoniæ quæ nunc feliciter oræ

Missa per innumeros sceptrâ tueris avos :

Quæ sortem antevenis meritis, virtutibus annos,

• Sexum animis, morum nobilitate genus :

Accipe (sed facilis) cultu donata Latino

Carmina, fatidici nobile regis opus,

Illa quidem, Cyrrha procul & Permesside lympha,

Pæne sub Arctoi fidere nata poli :

Non tamen ausus eram male natum exponere foetum,

Ne mihi displiceant quæ placuere tibi.

Nam quod ab ingenio domini sperare nequibant.

Debebunt genio forsitan illa tuo.”

in

in order to pave the way for his patron the Earl of Murray's advancement to the Regency of the kingdom ! That end accomplished, and Murray's ambition pointing directly to the throne, Buchanan, in that view, wrote his famous Dialogue, "*De Jure Regni apud Scotos*," in which he endeavours to prove, that a right to elect to the throne, was in the people *.

Two other persons, who make an eminent figure in the history of those times, associated themselves with the Prior in his scheme of ambition : Douglas Earl of Morton, and William Maitland of Lethington, then Secretary of State, both of them of the new religion, of eminent parts, bold, restless, and aspiring ! Fit instruments

* This book was, in James the Sixth's reign, condemned, 1584, by parliament to the flames, as containing principles subversive of the constitution, and of all good government.—Buchanan wrote this piece soon after Queen Mary's imprisonment, and about the time that Murray was made Regent. Goodall, vol. i. p. 128.

for

for the Prior, and capable of overturning a greater and more settled state, than that of Scotland at that time.

Those men Queen Mary, on her coming to Scotland, found to have great weight with the people, and with the leading divines of the Protestants. She therefore, to remove the people's jealousy and fears on account of their religion, with great mildness, thought it proper to continue them as her ministers and counsellors. She little knew, that at that time all of them were secretly enlisted in the service of Queen Elizabeth; and deeply engaged in a conspiracy with that princess, against their own sovereign, for overturning her government. The evidence of this design is brought to light in the following Inquiry.

Queen Mary had now been three years in Scotland, when the cares of govern-
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ment, and the thoughts of providing for the succession of the kingdom in her family, suggested to her a marriage with her nearest relation in blood Henry Stuart Lord Darnley, the eldest son of the Earl of Lennox, who likewise was first cousin to the Queen of England. In her choice she not only followed her own inclination, as Henry was one of the handsomest young men in the kingdom, but likewise the will of her father King James, who had signified in his last moments his wishes of this marriage. Fortunate might it have been, had the qualities of Henry's mind been proportionate to his form; but unhappily they turned out the reverse! Of mean understanding, he was headstrong and insolent, and addicted to vicious pleasures.

As the Queen's entering into marriage was, in every view, a bar to the secret and ambitious designs of the Earl of Murray and

and his confederates, their first throwing off the mask was, by rising in arms, on the Queen's marriage, with a design to assassinate Darnley, and to send the Queen a prisoner to Elizabeth. Luckily, however, this conspiracy and rebellion, of which Murray was the head, was crushed and defeated by the vigilance and good conduct of Queen Mary, and the aid of her loyal subjects; and Murray was obliged to take refuge in England.

The Queen becoming pregnant, the next attempt of the confederacy was to destroy her and her offspring, and to seduce the weak Darnley into the conspiracy for assassinating Rizzio, the Queen's secretary for foreign affairs, in her presence. The particulars of that atrocious act are set forth in the following work. Had the death of Rizzio, then an aged man, been the only design of the confederates, that might have been effected without any remarkable con-

sequence from it: but their views lay deeper; by a body of men, with swords and pistols, rushing into the Queen's chamber, in the condition she then was, and stabbing her secretary at her feet in presence of the King, the consequences to be expected were obvious. As to one part of the design, the creating a breach between the Queen and her husband, it succeeded. It opened her eyes to the weakness and wickedness of Darnley, that could give consent to, and join in so black a conspiracy, as to defame her, and endanger her life and that of his own child. After this the Queen was delivered of a son, who, upon the death of his mother and Queen Elizabeth, united the crowns of the two kingdoms of Great Britain. From the period of Rizzio's murder, the life of Mary was one continued series of misfortunes. The perverse, unaccountable conduct of Darnley, and the vicious courses which he followed, while they embittered the

the life of the Queen, rendered him contemptible to all the world.

Murray being restored to favour, the next plot devised by him and his two steady adherents Morton and Lethington, was for the assassination of Lord Darnley. For this purpose they assumed a new associate with them, James Earl of Bothwell, Hereditary Lord Admiral of Scotland, and the head of a noble house, whom they resolved to make the dupe of their infamous purpose, and by dazzling him with the prospect of a marriage with the Queen, to be brought about by their interest upon the death of Darnley, they determined the ruin of both, by making the odium of this vile murder fall upon them. The confederates succeeded in this infamous scheme, the whole steps of which are here brought to light. The evidences and testimonies of this affair, being collected and exposed to view, afford a

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most

most convincing proof, that the Earls of Murray and Morton, and Secretary Lethington, were the contrivers and authors of the death of Lord Darnley, and of the subsequent marriage of the Queen with the Earl of Bothwell; which last event they had no sooner effected, than rising in arms against them, they seized upon, and imprisoned the Queen, forced their accomplice Bothwell to take flight and abandon the kingdom, and accomplished their scheme by declaring the Earl of Murray Regent.

The place of the Queen's confinement was a castle, situated in the midst of a lake called Lochleven, where the mother of the Earl of Murray resided; there they, by terror, extorted from the helpless Queen a resignation of her crown; and probably would not have stopped there, but she having found means to escape from her prison, by the assistance of the Lord Seton, to Hamilton, the seat of the Duke
of

of Chatelherault, numbers of the nobility and gentry, convinced of her innocence, immediately assembled to her assistance: Murray, however, in possession of the power of government, got the start of the Queen's friends. His army attacked and dispersed the party of the Queen, and obliged her to take shelter in England, and throw herself under the protection of Queen Elizabeth, relying on solemn and repeated promises of assistance which that Princess had formerly made to her.

This was a most unfortunate step for Queen Mary, and the completion of what Elizabeth had always wished to bring about, to have her rival in her power. Orders were immediately given to keep the unfortunate Queen under confinement. At the same time, to amuse her, and to afford some specious pretence for such a measure, Elizabeth, under the semblance

of justice, as arbiters between her and Murray the Regent, and his adherents, pretended, that before she could give assistance to Mary, or even admit her to an interview, she must hear Murray and his party in their defence against their Queen's accusation. To this end, commissioners from both are named, and appointed to exhibit their mutual complaints before Queen Elizabeth. The transactions in these congresses, in which Elizabeth's partiality evidently appears, are particularly developed in the following Inquiry; where it will be shewn, that Murray, by encouragement of Elizabeth, is incited to accuse his sovereign of a criminal amour with the Earl of Bothwell, and accomplice with him in the murder of the Lord Darnley her husband.

This epoch the author has fixed on for the commencement of his Inquiry. The reason is obvious. It is manifest that
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the interest and view of Queen Elizabeth, and likewise of the Regent Murray, tended to the same point. To fix at least the shew of guilt upon Queen Mary, and to defame her to the world, would afford some pretext to the first for detaining Mary her prisoner; and to the last, for keeping possession of his usurped regency of her kingdom, under the protection of Queen Elizabeth, and as her dependent.— It is not therefore to be doubted, that, to answer the above purposes, every piece of evidence that could be mustered up in so recent a matter, would be exhibited by the Regent and his associates in support of their accusation, before an arbiter so favourably disposed to listen to them. The principal evidences produced by the Regent, were seven Letters alleged to have been written by Queen Mary to the Earl of Bothwell while her husband the Lord Darnley lived. These Letters are now critically examined, and a proof of their being forged

forged is established from the Letters themselves. One circumstance, which must add great weight in this matter, appears from the journals of the above congresses ; to wit, a strong presumption that Queen Elizabeth was conscious of the Letters being spurious, and was apprehensive of their being detected ; for although Queen Mary disclaimed them, and loudly demanded inspection of these Letters, declaring that she would bring full proof and conviction that they were false and forged ; yet, contrary to every principle of justice and equity, this demand was refused by Elizabeth ; and to her death these Letters were never shewn to Queen Mary.——Thus far it seemed necessary to premise, by way of Introduction to the following Inquiry.

AN
INQUIRY
INTO THE EVIDENCE AGAINST
MARY Queen of *SCOTS*.

CHAP. I.

*The History of the Letters said to have been
written by Queen Mary to the Earl of
Bothwell.*

THE Letters said to have been
written by Mary Queen of Scots
to the Earl of Bothwell, have been the
subject of much dispute among the writers
of the history of those times. Much viru-
lence and invective have been thrown out
from

from both sides ; at the same time that the bulk of the arguments used by either party, has been rather conjectural, than founded upon facts. The adversaries of that princess have always regarded these Letters as an invincible proof of her knowledge and participation of the crimes laid to her charge. And indeed, allowing them to have been genuine, there is no resisting the force of such a conclusion. It is my design, by tracing the history of those Letters from their very first appearance, to detach them from that confused heap of rubbish under which they have artfully been buried ; to produce them into light, stripped of their false colouring ; and, by coolly and dispassionately considering the arguments on both sides of the question, to endeavour to investigate the truth.

The way and manner in which these Letters came into the possession of the Queen's enemies, is conveyed to us by a

Memorandum, published along with Buchanan's *Detection* *, in these words :

“ M E M O R A N D U M .

“ That in the castell of Edinburgh thair
“ was left be the Erle of Bothwell, before
“ his fleeing away, and was send for be
“ ane George Dagleish, his servand, who
“ was taken be the Erle of Mortoun, ane
“ small gylt coffer, not fully ane fute lang,
“ garnisht in findrie places with the Ro-
“ man letter F under ane King's crowne ;
“ wharin were certane letteris and writings
“ weel knawin, and be aithis to be affirmit
“ to have been written with the Queene of
“ Scottis awin hand to the Erle.”

The Letters said to have been contained in this box were eight in number, all written in French. And besides these, there

* *Detection* here means a work published by Buchanan, entitled, “ *Detection of the Doings of Mary* ;” Anderson, vol. ii. p. 92.

were

were some love-sonnets, also in French, and a promise of marriage by the Queen to Bothwell.

Upon this short account given of the manner in which the Letters came to light, it may not be improper in this place to make a few observations.

1. As the matter contained in the Letters, in plain words, acknowledges a criminal intercourse between the Queen and Bothwell, and likewise gives pretty plain hints of a design to murder the King, it is most amazing to think how such strong and palpable evidence, against herself, could be committed by her to writing.

2. It is no less astonishing, that Bothwell, to whom the Letters are supposed to have been addressed, should have kept such evidence against himself one moment in his hands without destroying them, as no
good

good reason can possibly be assigned for his preserving them.

But these are only presumptions, which cannot destroy facts. Letters are discovered, and produced. It seems, however, to be an established maxim, founded on common sense as well as equity, that if any man, by the discovery of a writing or deed, pretends to strip another of his property, the pretender must not only prove the authenticity, but likewise give some reasonable account how such writing fell into his hands.

To apply this to the present question : From the Letters themselves, the presumption seems to stand in favour of the Queen ; that neither she, nor indeed any woman of common prudence or modesty, could have written them. As therefore they were produced by the Earl of Morton as his discovery, in the manner before recited, it becomes

comes necessary to examine every circumstance that relates to this discovery; which may be done in a few words.

On the 15th of June 1567, the Queen having left Bothwell, delivered herself into the hands of Morton, and the Lords of his party; who sent her prisoner to the castle of Lochleven.

On the 20th June 1567, George Dalgleish, Bothwell's servant, was seized, and, in his custody, it is alleged, were found the above-mentioned box and writings. Six days after, he is examined before Morton, Athole, and Grange, Lords of the Secret Council. A copy of his examination and deposition, said to be taken from the original in the books of justiciary, attested by Sir John Ballendane, Justice-Clerk, is handed down to us. This remarkable particular naturally occurs to be observed in it, that it was surely of great importance for
Morton,

Morton, who then had the box in his custody, and, as the record bears, was present at Dalglish's examination, to have confronted him with the persons who apprehended him; and to have asked him some questions relating to this box: such as, Whether or not this box was in Dalglish's custody when he was seized? What orders he received from his master, Bothwell, concerning the box? Who delivered it to him? or, Where he found it? Whether open or locked? If open, what it contained? and, Where he was to have carried it?—Dalglish, and the persons who seized him, in a matter so recent, only six days before, could have given distinct answers to those questions. However, in the whole of his examination and deposition, there is not a word mentioned of the box. This man, together with Hepburn, Hay, and Pourie, Bothwell's servants, was tried and condemned at Edinburgh as accessory to the King's murder.

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G

Dalglish,

Dalglish, however, was not hanged till the 3d of January 1568, six months after his condemnation. For what reason this respite was given, we are left to conjecture.

The first appearance of the Letters themselves, is in an act of Murray's Secret Council, dated the 4th day of December 1567.—And eleven days after, they again make their appearance in an act of the Regent's first parliament, of the 15th of the same month of December, entitled, "Act concerning the Queen's Detention." The manner and the dress in which these important Letters are introduced, are particularly to be remarked; but previously, some preceding facts are necessary to be here mentioned.

The Queen's marriage with the Earl of Bothwell was on the 15th of May 1567. That fatal marriage was the signal for

2

Murray

Murray and his party to throw off their masks, to develope themselves, to call their partisans together, and to arm against the Queen and her husband.

The Queen hears of their motions: she takes the alarm; and by public proclamation, 28th May, on pretence of some commotion on the border, she calls on several of the neighbouring counties to be ready in arms on six hours warning.

On the 6th of June, the rebels had taken the field. They marched towards Edinburgh, from whence the Queen and Bothwell made a precipitate retreat to the castle of Borthwick, whither they were pursued by Lord Hume at the head of eight hundred horsemen *.

On the 15th of June, the Queen, on treaty, surrendered herself into the hands

* Keith, p. 398.

84 INQUIRY *into the* EVIDENCE

of the rebels, and was sent a prisoner by them to the castle of Lochleven.—And, on the 20th of June, according to the journal of the rebels, *Dalglish* is seized with the box and the Letters. The reader will attend to the dates of the foregoing incidents *.

In the space of time betwixt the Queen's imprisonment, on the 15th of June, and the meeting of the Regent Murray's first parliament, on the 15th of December fol-

* Mr. Whitaker has, with great strength of argument, and by the most convincing negative evidence, shewn, that the Letters, said to be seized with *Dalglish* on the 20th of June, did not exist for many months after.—Several acts of Council passed, betwixt the 20th June and December following, yet not a single word in them with respect to the Letters.—Elizabeth sent down her ambassador, Sir N. Throgmorton, who interposes in behalf of Queen Mary, with her rebel subjects. These last are anxious to apologize for their usurpation, and shew great propensity to calumniate the Queen. Yet they give not the least hint of the Letters. Whitaker, vol. i. p. 240.

lowing,

lowing, he and his confederates had full time to concert the apology which they were to make to the States of the kingdom for their proceedings; their rising in arms, and dethroning and imprisoning their sovereign.

In the above act of Murray's Secret Council, of the 4th of December, it is there set forth, " That the cause and occasion of the private convention of the Lords, Barons, and others, and consequently their taking of arms and coming to the field with displaid banners; and the cause and occasion of the taking of the Queen's person on the XV. of June last—was in the said Queen's awin default, in as far as, be diverse her Previe Letters, written and subscrivit with her awin hand, and sent be hir to James Erle of Bothwell, chief executor of the horrible murthour (of the late King)—and be hir ungodlie proceeding in a

G 3

" private

“ private marriage with him, suddenly
 “ thairafter, it is moit certain that she was
 “ previe, airt and pairt, of the actual devise
 “ of the murthour of the King.” Here the
 cause and occasion of the treasonable con-
 ventions of the confederates, and their
 rebellion and dethroning the Queen, are
 expressly attributed by them, “ to her pri-
 “ vate Letters to Bothwell.” This is ab-
 solutely false.

They themselves had acquitted the Earl
 of Bothwell of the King's murder. They
 had ratified that acquittal in parliament in
 the month of April preceding, and joined
 in addressing the Queen to take him as a
 proper husband for her. The marriage
 was solemnized on the 15th of May.

In the same month of May, the rebels
 are convened in arms, and they oblige the
 Queen to fly from her capital to Borthwick
 castle on the 6th of June, and on the
 15th

15th of June they made her a prisoner. These treasonable acts are first committed; and posterior to these, is their pretended cause or inducement—the discovery of the Queen's Letters, several weeks after!

We now proceed to display a still more palpable falsehood, which glares full on the face of the Letters themselves, in the first appearance which they make before Murray's Secret Council; the detection of which we owe to the penetration of Mr. Goodall.

We have recited part of the act of Secret Council of the 4th of December, in so far as relates to the Letters, which describes them thus, “*Previe Letters written and*” “*subscrivit with the Queen's awin hand.*”

In the second appearance, however, which these Letters make (eleven days after), on the 15th day of December, before the Parliament, the Queen's subscrip-

tions are withdrawn, and the Letters are described thus; “ *Previe Letters bailelie* “ *written with her awin hand.*”

Whence could so remarkable a discordance between the words of two such solemn acts have happened? between the act of Privy Council, authenticated by no less than twenty-eight Privy Counsellors, with the Regent Murray, Morton, Secretary Lethington, and Sir James Balfour, at their head, and the above act of Parliament? The Letters, before the Privy Council, expressly bear the Queen's subscriptions; before the Parliament, the subscriptions are withdrawn; they are only *bailelie* written with her own hand. These profound politicians, upon mature consideration, withdrew the subscriptions in the second exhibition of their Letters, thinking, with reason, that it might shock the credulity of Parliament, that Mary, who was known to be no fool, should put her name

to

to direct evidence against herself, of adultery and murder!

Mr. Hume, in his History of England, was the first who attempted to answer the above objection arising from the different appearances of the Letters, in the Privy Council, and in Parliament. I shall cite his words. After stating the objection, "This circumstance," says the Historian *, "is of no manner of force. There were certainly Letters, true or false, laid before the Council; and whether true or false, this mistake proceeds equally from the inaccuracy or blunder of the Clerk †. The mistake is easily accounted for; the

* History of England, vol. ii. p. 500.; quarto edition.

† This blundering Clerk of Murray's Privy Council, who could not distinguish between a missive letter and a contract, was the noted Alexander Hay, who, we shall afterwards see, was one of the most acute men of that time.—He was one of Murray's most active instruments.

" Letters

“ Letters were only wrote by her ; the
 “ second contract with Bothwell was only
 “ subscribed. A proper accurate distinc-
 “ tion was not made, and they are all said
 “ to be wrote and subscribed.”

Thus, from his own bare conjecture, the Historian, in a most decisive manner, pretends to invalidate the testimony of a solemn act of Council. This, however, is too much to be granted him.—In reply to Mr. Hume, I desire the Reader to look at the words of the records. The words are, “ *the privie Letters written and sent*
 “ *by the Queen to James Earle of Both-*
 “ *wel.*”

I ask the Historian, what authority he has for saying, that a contract between the Queen and Bothwell was here understood ? In the above cited acts, there is not one word or a hint of any paper but the Queen’s private Letters to Bothwell ; nor is there the
 smallest

smallest evidence, that a contract, or any other paper besides the Letters, was exhibited, either to the Council or the Parliament *.

Mr.

* In the whole journals of the rebel proceedings against the Queen, their acts and papers, from the pretended seizure of the Box and Letters, on the 20th June 1567, and for fifteen months after, there is not the least hint or surmise of any writings against her, except the Letters produced before the Council and Parliament. The first hint of the contract and love sonnets, is when Murray and Morton were preparing their materials for the conferences in England, which opened in October 1568. They then wanted to accumulate evidence against the Queen, and to fortify the Letters by other pretended documents. To this end the sonnets, contract, &c. are then, for the first time, mentioned in their journal. Several other writings are also then mentioned (Goodall, vol. ii. p. 142, 143.), which, on mature consideration, they afterwards withdrew, and did not venture to produce, as we shall presently have occasion to take notice of.—The Queen's gilt box in their hands was a most useful expedient. They could at any time find in it, and produce papers from it, as occasion served; or withdraw others, as they chose.—This they could easily perform.

Mr. Hume treats the above difficulty with a degree of contempt. Mr. Goodall's objection, says he, is of no manner of force. The mistake was owing to the blunder of the Clerk. According to such mode of argument, indeed, the most palpable contradictions may be reconciled; the most convincing evidence may be eluded or cut down,

Upon the word of the Historian, we are to suppose a contract of marriage was comprehended under the descriptive words of the Queen's private Letters to Bothwell; and we are next to suppose, that the Clerk of Council made a gross blunder in not distinguishing between a missive

form. Lesly, Bishop of Ross, asserts it as a well-known fact, that there were persons about court who could counterfeit the Queen's hand-writing, and that several letters forged in her name had been sent to England. Anderson, vol. i. p. 20.—This infamous fact is also asserted by the Queen herself, as we shall immediately see.

letter

letter and a contract of marriage.—The whole of Mr. Hume's argument rests upon a begging of the question in opposition to fact, in supposing a contract to be exhibited with the Letters, which is disproved by the acts themselves above cited. The objection therefore of Mr. Goodall stands upon so solid a base as is not to be shaken. Is it possible, in history, to find a fact better attested, than "that Letters were produced in Murray's Secret Council, which bore the Queen's subscription, as expressed by the act of Council itself, authenticated by the Regent and the whole members of Council?" To object to this, is to give the lie to all human testimony. Let us for a moment suppose, that Hay, the Clerk of Council, made a gross mistake, in asserting that the Letters were signed by the Queen, when in fact they were not signed: but can we possibly suppose, that of the whole twenty-eight members of Council,

13

Council, not one of them took notice of this glaring mistake, but implicitly attested Hay's falsehood, without ever looking at the Queen's Letters, although lying on the table before them ?

Credat Judæus Apella !

To conclude : The palpable contradiction between the above Records, we apprehend, hangs a dead weight about the neck of the Letters, which the sophistry of Mr. Hume, and his followers, has not been able to remove *.

The

* I should be unjust, were I here to omit mentioning the remarkable coincidence of observation of the candid and spirited Mademoiselle De Keralio with the above remarks, in her late *Histoire d'Elizabeth Reine d'Angleterre* : a work which does honour to the sex and to her nation.

After stating the answer of Mr. Hume to Mr. Goodall's discovery, this spirited Lady, this new defender of the injured Queen of Scots, thus proceeds :
 “ Est ce la une explication digne d'un historien tel
 “ que

The next appearance the Letters made was at York in October 1568, at a conference betwixt Lesly Bishop of Ross, the
Lords

“ que Hume ! *Des Lettres, vraies ou fausses*, son pro-
“ duites, *un Secrétaire étourdi* en redigé l'exposé ; tout
“ y est renversé, l'ordre y est altéré, le Secrétaire est
“ negligent a l'exces, *le tribunal insensé* ; mais il
“ ne resulte pas moins de tout ce désordre, que l'au-
“ thenticité de ces Lettres est constatée. Où en
“ seroit la société si toutes les affaires, tant particu-
“ lieres que publiques, étoient ainsi jugées ?” L'Hist.
d'Eliz. tom. iii. p. 367.

Mr. Hume, notwithstanding, has followers in sup-
porting his hypothetical solution. The Author of
Miscellaneous Remarks on the Inquiry, &c. after
stating Mr. Hume's argument, “ The remark,” says
he, in his sarcastic manner, “ is not contemptible,
“ however much it may be despised *by some men* ; for
“ as *Letter of Task*, and *Letter of Pension*, are phrases
“ used in Scotland, so “ *Letter of Espousals*” may be
“ proper enough. But a more easy and obvious solu-
“ tion may be suggested. He who writes a deed with
“ his own hand, does generally sign it :—hence *written*
“ and *subscribed* constantly go together in common
“ language, just as *beirs* and *executors*.—In conse-
“ quence of the like affinity,” proceeds the Remarker,
“ the

Lords Livingston, Boyd, Herries, &c. on the part of Queen Mary, and the Earls of Murray, Morton, Secretary Lethington, and

“ the Clerk of Privy Council might have added. “ *subscrivit to written.*” We must suppose this Clerk, then, to have been an idiot; and that he did not give himself the trouble to cast his eyes upon the Letters lying before him, which were not *subscrivit*. What straining and torturing is here, of common sense and the plain meaning of words! “ This fraud, as it is “ called,” continues the Remarker, “ was not discovered at the time; but after an interval of two “ hundred years, there appears a *dubious conjecture*, importing that there might be a fraud.”

This fraud, and a gross one it is, let me tell the Remarker, does not rest on a dubious conjecture. It stands proved by the express words of a solemn act. The fraud could not be discovered at the time; the Queen, or her friends, had no access to the *secrets* of Murray’s *Secret Council*. It was constantly denied them, even to see the pretended Letters of the Queen, as we shall afterwards see, although these Letters were used as the instruments to defame her, and to deprive her of her liberty and her kingdom.

The conjectures, not dubious, but unnatural, chimerical, and absurd, come all from the Remarker, and his

and George Buchanan, on the other side,
before the Duke of Norfolk, Earl of Suffex,
and Sir Ralph Sadler, as commissioners for
the

his master, in attempting, by forced and strained meaning given to plain words, to invalidate the act of Council. An instance, this, of the candour and ingenuity of the Miscellaneous Remarker! "There is no reason," says he, "to believe, that all the members present in Council, and in Parliament, were the obsequious tools of Murray. If there was one independent man, or favourer of the Queen, the Earl of Errol for instance, the fraud of withdrawing the subscriptions must have been detected."—In fact, on looking at the names of those who signed the act of Murray's Secret Council *, we shall scarce find one, who may be said to be an independent man, and who had not been leagued with Murray and Morton in the many treasonable conspiracies against the Queen. Let us suppose, however, Lord Errol to be that man; that he had found out the base practices of Murray and his associates; what then must have been his conduct, as an honest man? To abandon the party, surely. He did so accordingly. He left them immediately on the Queen's escape from Lochleven, and

* Goodall, vol. ii. p. 64.

the Queen of England. There it appears, by a letter signed by these last, that the Letters, and other Evidences against the Queen,

joined her friends at Hamilton, in the famous Bond of Association of most of the nobility and gentry, and of the dignified clergy, in May 1568, for her restoration. — That Errol discovered and proclaimed the infamous practices of the rebels, and the deceitful means they had used for imposing on the people, and getting the government of the kingdom into their hands, we are certain of from his own declaration; at the same time, he might be shy, no doubt, of detailing this particular imposition of the Letters, to which he himself had given his name and countenance; however, he thus declares, “Thay (Murray, Morton, and their adherents) “with *deceitfull means* obtained the strength of the “countrie; also thay had the hail munition put in “thair hands be sic buddis and *treasonable deceit, as is* “*knawin*; and in cais the nobilmen, favourers of hir “Majestie, had raised ane armie, it was minaced and “boisted that thay wald send hir heid to them.” —

See Instructions and Articles signed by the Earl of Errol, and others of the nobility and clergy, and sent to Queen Mary's Commissioners at London, the 12th September 1568, a few months after the above act of Council; Goodall, vol. ii. p. 355.

We

Queen, were produced and shewn to them by Lethington, Buchanan, and Macgill, “ privately, and in a secret conference ; “ not as commissioners, as they protested, “ but for their (the English commis- “ sioners) better instruction, after decla- “ ration of such circumstances as led and “ induced to vehement presumption to “ judge the Queen guilty of the King’s “ murder *.”

It is apparent, from this private and secret conference concerning the Letters, and the precaution of Lethington and Buchanan being employed to show and explain

We shall conclude this discussion of the above argument, in the words of Mademoiselle De Keralio’s apostrophe addressed to Mr. Hume — “ Quel est “ l’aveuglement de l’esprit de parti, si un historien, “ peut se satisfaire lui même, par de semblables raisonnemens !”

* A letter to Queen Elizabeth, from her commissioners at York, the 11th of October 1568; Cot. Lib. Goodall, vol. ii. p. 140.

these Letters to the Duke of Norfolk and Earl of Suffex, not as commissioners, that Murray and his party, though by this underhand way they defamed the Queen, were at great pains to conceal their secret practices from *her* commissioners, who at that time had orders from Mary, and were instructed to call for the evidences of their charge. This appears from the articles and instructions given by the Queen to her commissioners. The Queen had heard a surmise of Letters said to be written by her. In the seventh article of her instructions to her commissioners, she thus charges them :

“ In cais thay alledge thay have ony
 “ writingis of mine, quhilk may infer pre-
 “ sumptioun agains me, in that cais ze
 “ fall desyre the *principallis* to be produ-
 “ cit, and that I myself may have inspec-
 “ tioun thair of, *and make answer thairto.*
 “ For ze fall affirm, in my name, I never
 “ writ

“ writ ony thing concerning that mattein
“ to ony creature: and gif ony sic wri-
“ tingis be, thay ar false and feinzeit, for-
“ git and inventit be thamefelfis, onlie to
“ my dishonour and sclander: and thair
“ ar divers in Scotlande, baith men and
“ women, that can counterfeit my hand-
“ writing, and write the like manner of
“ writing quhilk I use, as weil as myself,
“ and principallie sic as ar in cumpanie
“ with thamefelfis *.”

A cotemporary author has informed us, that this had been done by Maitland her Secretary: “ It was notourly known (says
“ this author), that Lethington had often
“ counterfeited the Queen’s hand †.” But to proceed :

Although, in tracing the history of the Letters, my plan does not lead me to enter

* Cot. Lib. Goodall, vol. ii. p. 342.

† Crawford’s Memoirs, p. 100.

into a detail of the several transactions between Queen Mary and her rebel subjects, before the commissioners appointed by Queen Elizabeth for hearing them; yet it may not be improper to open a little the import of those conferences wherein the evidence against Queen Mary was produced. And that the reader may, in the first place, understand what was the subject of these conferences, the commission which Queen Mary gave to the Bishop of Ross, and the Lords Livingston, Boyd, and Herries, her commissioners, imports, that they were to convene with Queen Elizabeth's commissioners at York; "and there
 " to treat, conclude, and indent, upon all
 " sic heids and articles as shall be found
 " best for the reduction of our disobedient subjects to their dutiful obedience
 " to us, and for good amitie, as well for
 " bygones as to come, betwixt thame
 " and all our obedient subjects; and further
 " ther

“ther to treat upon the said peace to be
“made betwixt our dearest sister and us,
“our realms and subjects, and uther
“things pertaining to the weil of the
“same*.”

As Queen Mary in this matter was the plaintiff, the heads of her complaint against the Earls of Murray and Morton, and their associates, were as follows:—That after her marriage with the Earl of Bothwell, they assembled an army by proclamation, declaring the same to be for her relief;—made her prisoner in Lochleven castle;—seized her treasury, and usurped the government in name of her infant son, and of the Earl of Murray as Regent:—That upon her escape, and taking shelter under the protection of some of her loyal subjects, these rebels had attacked them with their forces, and

* Cotton Lib. Calig. C. 1. Goodall, vol. ii. p. 118.

obliged her to fly for protection into England*.

Murray's answer to this is in substance :
—That the Earl of Bothwell, known to be the chief author of the King's murder, having got into great credit with the Queen, had enterprised to ravish her person, and kept her a prisoner at Dunbar castle, until he accomplished a sudden marriage with her; whereby having attained to the government of the realm, and the power over the person of the young King, the ignominy of these proceedings moved a number of the nobility to take arms, to endeavour to bring Bothwell to punishment,—to relieve the Queen from the bondage of that tyrant,—and to preserve the person of their native prince :—That the Queen, preferring Bothwell's impunity to her own honour, assisted him in

* Cotton Lib. Calig. C. 1. Goodall, vol. ii, p. 129.

making his escape; after which, she menaced them with punishment; which compelled them to sequestrate her person in Lochleven:—That there finding herself tired with the fatigues of government, she had demitted and resigned the same in favour of her son, and of the Earl of Murray as Regent during his infancy and inability to govern; which act of regency had been ratified and confirmed by the states of the kingdom in parliament, and acknowledged by the whole kingdom, until certain of the nobility, impatient to see such quiet government, had practised to bring the Queen out of Lochleven, and to subvert the government and authority of the King thus established; and having risen in arms, they were opposed by legal authority*.

To this Queen Mary replied:—That supposing the Earl of Bothwell to have been

* Cotton Lib. Calig. C. 1. Goodall, vol. ii. p. 144.

accessory

accessory to the King's murder, that could not excuse their rebellion:—That Bothwell's guilt was never known to her; on the contrary, he had been acquitted on trial; which acquittal was afterwards ratified by the states of the kingdom in parliament:—That after this, the whole nobility united in soliciting her to marry the Earl of Bothwell, and joined in a bond to defend that marriage with their lives and fortunes:—That thereafter the same persons secretly conspired to make the Queen and Bothwell prisoners at Borthwick; from whence they escaping to Dunbar, were, on their return to Edinburgh, met and opposed by an army raised against them:—That she, for eschewing blood, and trusting to the faith of their promises of allegiance, delivered herself into their hands:—That so far from preferring the impunity of the Earl of Bothwell to her own honour, by sending him away, as they falsely alleged, they themselves, on the

the contrary, sent Grange, one of their leaders, and desired Bothwell to pass off the field until the time he might be tried, and promised that no man should pursue him; and so, by their own desire, he passed away; at the same time, they having promised to honour, serve, and obey her as their Sovereign, she no sooner had put herself into their hands, than they made her a captive, and sent her to Lochleven castle:—That while there, under confinement, and threatened with death, they did extort from her a resignation of the government, and other writings, which by force she was compelled to sign*.

It is obvious, that so far Mary had the superiority in point of argument, having established her complaint against them as rebels and usurpers, and refuted every argument urged by Murray and his associates in their defence. This is acknow-

* Cotton Lib. Calig. 1. Good. vol. ii. p. 162.

ledged

ledged by the two latest historians. Of consequence, as Murray made no further answer, Elizabeth was called upon by her promises to restore Queen Mary to her kingdom. This, however, was quite remote from Elizabeth's intentions: the affair seemed to her to have taken a bad turn; it was truly puzzling; let us see how she cuts through it. The place of these conferences, York, was at too great a distance from Elizabeth, to exert her full influence; she wanted that they should proceed under her own eye, and be directed by her, and her minister Cecil. She therefore adjourns the conferences, and orders both parties to appear before herself and Council at Hampton-court,

When Mary at first agreed to this conference, she had insisted, and got Elizabeth to promise, that as she herself was not allowed to appear before her, so neither, during the time the conferences continued,
the

the Earl of Murray; nor his associates, should be permitted to come into her presence*; yet to this promise Elizabeth now determined to pay no regard. Having obtained what she had long wished for, to have her unfortunate rival in her power, instead of acting the part of a friend; as she had promised; or even as an impartial umpire between Mary and her subjects, to determine the affair as it then stood; she had already taken a very opposite measure. This was, to instigate and encourage Murray to become the accuser of his Sovereign, as accessary to the King's murder, so as to furnish herself with a pretence, not only for refusing to restore Mary to her throne, but likewise for keeping her a prisoner for life. This is plainly the key to Elizabeth's conduct through the course of these conferences between Queen Mary, and Murray and his associates: and before so prede-

* Cotton Lib. Titus, C. 12. Goodall, vol. ii. p. 184.

terminated

terminated a judge, it is easy to see that impartiality was not to be expected. This plan, as previously concerted by Elizabeth and her minister, stands detected, and is laid open from the proceedings of her Council at Hampton-court of the 30th of October 1568, prior to the opening of the conferences there. The heads of the plan of proceedings are as follow :

Queen Mary's commissioners are, first, to have access to Queen Elizabeth, and their commission from their mistress acknowledged ; so that they may not afterwards decline the treaty :—Then the Earl of Murray and his friends should be called upon, and demanded, “ Why they do
 “ forbear to charge the Queen with the
 “ guiltyness of the murther of her husband, confideryng their party have al-
 “ ways given it out to the world that she
 “ is guilty ? ”——Then, to encourage and entice them to accuse her, it is added :

“ If

“ If they will in the end be content to
“ shew sufficient matter to prove her gil-
“ ty,—it is thought good, for many re-
“ spects, that they shuld be assured, that
“ they (Murray and his associates, then
“ in possession of her kingdom) shall not
“ be made subject to her indignation;”
(that is, in other words, that they should
remain in quiet possession;) “ and that
“ her Majesty will never restore her to her
“ throne.”

The plan being thus laid down, how
Elizabeth and her Council were to proceed
with each of the parties, it is easy to see,
that the cause of Mary was already weighed,
and her fate determined; the last, there-
fore, and most important measure, remain-
ed alone to be concerted by these judges:
this was the securing Mary's person; “ and
“ because this manner of proceeding cannot
“ be so secretly used, but the knowledge
“ thereof will by some means come to the
“ Quene

“ Quene of Scotts, it is thought most neces-
 “ sary of all things, that she be circum-
 “ spectly looked unto for dout of escaping;
 “ and therefore it is thought good, that all
 “ preparation be hastned for removing
 “ her to Tutbury *.”

In consequence of the above well-con-
 certed plan, Mary's commissioners having
 been called upon before those of Elizabeth,
 and their commission shown, before any
 procedure was taken, they gave in a pro-
 testation, “ That they entered into these
 “ conferences with this proviso, That thair
 “ mistrefs's cause was not to proceed any
 “ manner of way in form of judgement,
 “ or in judicial place, or before any judge
 “ or judges, but as commissioners and am-
 “ bassadors of a free princess with ane im-
 “ perial crown, to confer with Queen Eli-
 “ zabeth and her commissioners in the form

* Proceedings of the Council at Hampton-court,
 from Cecil's papers. Goodall, vol. ii. p. 179.

“ of

“ of treaty only.” This was a wise precaution ; and, no doubt, in a great measure, disappointed Elizabeth in her view of acting as final judge, and giving sentence against Queen Mary.

The Earl of Murray and his associates, immediately on their arrival at London, were introduced to, and graciously received by, Elizabeth ; and any scruples they had, with respect to their accusing Mary, being soon removed by the above encouraging assurances from Elizabeth, they gave in their charge or libel on the 26th. November 1568, publicly accusing her of being in the foreknowledge of, and participant with, Bothwell in the murder of her husband *.

A copy of the accusation having been delivered to the Queen of Scots' commis-

* Cotton Lib. Calig. p. 230. Goodall, vol. ii. p. 206.

sioners, the Bishop of Ross and Lord
 Herries, in presence of the English com-
 missioners, they, after expressing their sur-
 prise that the other party should put in writ-
 ing " such a bold accusation against their
 " Sovereign, declared they would as boldly
 " defend hir.—Murray and his associates
 " (they asserted) had invented this accusa-
 " tion of the Queen for maintaynance
 " of their own treasons ;—and that when
 " the cause should be farther tryed, it wold
 " be proved, that some of them which be
 " now the accusers, were the inventars,
 " and privy to the making of bonds and
 " writings for the conspiracy of the death
 " of the Lord Darnley, the Queen's hus-
 " band——They required, in the mean
 " time, that these accusers might be stay-
 " ed and arrested, untill in the end of
 " the cause it might be seen what they
 " deserved *."

* Paper-office, Goodall, vol. ii. p. 209. 211,
 212.

Mary,

Mary, being informed of the accusation thus publicly made against her, and of the gracious reception which her rebel subjects had met with from Elizabeth, contrary to her promise, had, no doubt, good ground to suspect the partiality of her judge, and to wish for a hearing in person before other more unbiassed judges. She therefore instructed her commissioners, 3d December 1568, to demand, in her name, That as Elizabeth had given admittance, both in private and public, to her accusers, she * likewise might be permitted to “ cum in
“ proper person to hir Majesties awin
“ presence and of hir nobilitie, and in the
“ presence also of the haille ambassadouris
“ of other countreys, then resident within
“ hir Hienes realme, to declare hir innocence, and to make hir Majestie and
“ thaim understand the untrew invented
“ calumnies of hir saidis rebellis, for the

* Anderson, vol. iv. p. 160. Goodall, vol. ii. p. 220.

“ better defence of hir Grace’s honor, fa-
 “ tisfactioun of her Hienes, and all other
 “ Christiane princes and guide subiectis
 “ quhatfumever.—And also sen the said
 “ rebellis has taken upon them unjustly
 “ and boldly to accuse thair native Sove-
 “ reign, desyris also that they may be
 “ stayed and arrested by your Majesty’s
 “ authority, to answer upon sic heinous at-
 “ temptats as fall be laid to thair charge *.”

We

* Dr. Robertson seems to lay greater stress than it
 deserves on the overture made by the Bishop of Ross
 and Lord Herries, at this time, for an accommodation
 with Murray and Morton, after they had accused the
 Queen. It is proper to observe, however, that this
 proposal “ came not from the Queen since the accusa-
 “ tion had been given in by the Earl of Murray.” So
 Ross and Herries declare, Goodall, vol. ii. p. 226.
 And Mary scarce had time, from the 29th November
 to the 4th of December, to have got a copy of the
 accusation sent her from Westminster to Bolton in
 Lancashire, and to have sent any return concerning it
 to her commissioners. They declare the proposal came
 from themselves, and not from the Queen; and we
 have no reason to disbelieve them. However ill-timed
 this

We submit to the Reader, if so bold a demand could have come from a guilty person?

The firmness of this spirited request of Queen Mary, to appear in person before Queen Elizabeth and the whole Peers of England and foreign ambassadors, affords, in our opinion, a most convincing proof of her innocence. A charge is brought against her, as privy to the murder of her husband, and offered to be proved by Letters under her own hand. Would any person,

this motion was, yet it seems too harsh to infer any presumption against the Queen, when it is considered likewise, that the accusers had then produced no part of their proof. At the same time it is no wonder, if Queen Mary and her commissioners, seeing the gross partiality of Elizabeth in encouraging these rebels, and instigating them against her, and sensible of Elizabeth's determined resolution in the event to condemn her, were at first stunned and confounded, and in that situation thought of making up the matter with her own subjects, rather than trust to Elizabeth, already determined against her.

a woman especially, conscious of guilt, have dared to make such a proposal, of exposing herself, before so solemn an audience, and in the face of such proof as was offered to be exhibited against her? To see a casket with her Letters produced by Murray and Morton; to hear their horrid contents publicly read, and their genuineness asserted?

A guilty person must have shrunk from such a test; overwhelmed under the load of so formidable, so apparent proof! Guilt always seeks to avoid the light; and flies examination!

Not so the Queen. Bold, and conscious of innocence, she rises superior to the daring wickedness of her enemies. She presses to come forward with firmness and resolution, such as conscious virtue and innocence alone could inspire. She demands,

28

as her right, to appear in person; to confront her accusers; to be heard in her defence, in presence of a public and un-biassed audience.

To see, and examine with her own eyes, Letters which she knew to be false and forged; which, she doubted not, she would expose and prove to be so—To compare these forged Letters with her own genuine hand-writing—To scrutinize their contents, and the intrinsic circumstances mentioned in them—To confront Morton: to question him and his servants separately—To have interrogated Sir James Balfour on the subject of the delivery of the casket of Letters:—All these, and other relative circumstances, being subjected to Queen Mary's examination, the truth must infallibly have appeared. We shall now see how artfully Queen Elizabeth evades this bold, this equitable demand, of her sister Queen.

Mary's commissioners having presented this supplication in their mistress's name, Elizabeth at first seems to think her request proper and reasonable. In answer to this demand she tells them, " I think it very
 " reasonable that she should be heard in her
 " own cause, being so very weightie; but
 " to determine quhom before, quhen, and
 " quhair, ony time before I understand
 " how thay (Murray and Morton) will
 " verify thair allegatioun, I am not as yet
 " resolvit; but after conferring with thame,
 " I shall give you ane answer *."

On conferring, however, with her friends, Murray and Morton, they no doubt gave her good reason to refuse Mary's request, of appearing personally at the conferences, or of calling in neutral persons, such as the foreign ministers then at her court. Elizabeth's ardent desire always was, to get into her hands the

* Cotton Lib. Titus, C. 12. Goodall, vol. ii. p. 222.

pretended proofs from Murray, of his charge against Queen Mary. She therefore informs her commissioners, that she is to call upon Murray and his associates, and reprove them for the accusation they had given in against the Queen ; but that if “ they wald
“ persist therein, that then she would re-
“ ceive from them the proofs of their ac-
“ cufation against Mary *.”

This procedure of Elizabeth, in keeping Queen Mary at a distance confined, while her cause was going on, and her accusers admitted freely to her presence, and encouraged by all means to proceed to their proof, before Mary could be allowed to make a defence to their accusation, appeared to be so glaring and partial, and a direct breach of Queen Elizabeth's promise to Mary, which had induced her at first to enter into this treaty, that the commissioners

* Goodall, vol. ii. p. 227.

of

of the Queen of Scots immediately gave in a remonstrance * against it, "as a preposterous order, never used in any *treaty* or *conference*, yea, not even in cases of *judicial procedure*, to receive probation before the party was heard to answer to the alledgeance, and especially in so weighty a cause :——they therefore protested, that no further should be proceeded in this conference †."

Notwith-

* The Reader is desired to take notice of the procedure after the following protestation, as Mr. Hume upon it founds an assertion, that Queen Mary and her commissioners finally broke off the conferences, and never would make any reply.

† Goodall, vol. ii. p. 229.

Mr. Hume is of opinion, that by this procedure of Elizabeth, in respect to Mary's request, the former showed no signs of partiality. His reasons are, because, "although she had granted an audience to the Earl of Murray and his colleagues, she had previously conferred the same honour on Mary's commissioners; and her conduct was so far entirely equal to both parties;" vol. ii. p. 496.

Dr.

Notwithstanding this remonstrance, as Elizabeth's plan was to have the accusation fixed on Mary, she, at the same meeting, called upon Murray and Morton; who directly put into the hands of the English commissioners the Box with the Letters and French sonnets said to be written by the Queen. They also produced a copy of the Earl of Bothwell's trial, with the examinations and confessions of Hay, Hepburn, Pourie, and Dalgleish, servants of Bothwell; who, although all of them charged their master, yet none of them

Dr. Robertson, on this point, argues very differently: "Mary" (says he, vol. i. p. 413.) "justly considered this as an open declaration of Elizabeth's partiality towards her adversaries.—Her rebellious subjects were allowed access to the Queen; she was excluded from her presence: they enjoyed full liberty; she languished under a long imprisonment," remote from the place of trial: "they were encouraged to accuse her; in defending herself, she laboured under every disadvantage." Add to these, that the accusers were now allowed to proceed with their pretended proof in *Queen Mary's absence*.

pretended

pretended to asperse the Queen in the least with any accession to the King's murder*. And it is proved beyond doubt, that all of them, at their death, publicly absolved the Queen from it. So that, setting the Letters aside, there is no other evidence which Murray and Morton could produce against the Queen.

Here it is proper to remark the guarded caution of Murray and his accomplices, in the manner they produced these Letters before the English commissioners. "They
 " produced (says the record of the 8th
 " December 1568) seven several wrytings,
 " wrytten in French, *in the like Romain*
 " *band as others her letters, which were*
 " *shewed yesternight, and avowed by them to*
 " *be wrytten be the said Queen.* Which
 " seven wrytings being copied, were read in

* *Vide* their judicial confessions, taken from the records of the high court of justiciary, Anderfon, vol. ii. p. 165, et seq. Also, Affirmation of the Peers of Scotland asserting this fact, Goodall, vol. ii. p. 359.

" French,

“ French, and a due collation made thair of,
“ as near as could be, by reading and in-
“ spection, and made to accord with the
“ originals; *which the said Erle of Murray*
“ *required to be redelivered; and did there-*
“ *upon deliver the copies, being collation-*
“ *ed*.*”

By this it would appear, that when the Letters were produced, they were not at the time compared by the English commissioners with other letters acknowledged and proved to be of the Queen's writing. But allowing those other letters said to be shewn the preceding night, to have been genuine of the Queen, why were not Murray's Letters in the like Roman hand, carefully compared and scrutinized with them at the same time?—Again, why this premeditated contrivance of Murray to bring copies along with his pretended original

* Cot. Lib. Journal of the commissioners, 8th December 1585. Good. vol. ii. p. 235.

Letters ?

Letters? and after reading, and making those copies to accord with his originals, why such haste to huddle up and carry off these pretended originals? Is he afraid indeed of their being seen? Very remarkable is this caution: like a mole, this offspring of darkness no sooner feels the light, than instantly it rushes back into the caverns of night*.

Mr.

* We find after this, that these Letters, and the other writings, were again produced before some others of the English nobility at Hampton-court, and read and collated with other letters said to be genuine of Queen Mary; and the manner in which these writings were collated by the Council at Hampton-court, we have in the following words: " And it is to be noted, " that at the time of the producing, shewing, and read- " ing, of all these foresaid writings, there was no special " choyse nor regard had to the order of the producing " thereof, but the whole writings lying altogether " upon the Counsel table, the same were, one after " another, shewed, rather by hap, as the same did lye " upon the table, than with any choyse made, as by " the natures thereof, *if time had so served*, might have " been. And in the end it was said unto the said " Erles (Northumberland, Westmorland, Shrews- " berry,

Mr. Hume has thought proper to say, that " Bishop Lesly expressly declined
" comparing the hands (in the Letters),

" berry, Worcester, Huntington, and Warwyk),
" that in this sort they were now made *partieipant of*
" *the whole state of the cause*, even as largely as the rest
" of hir Majestie's Privy Counsel were: and therefore
" they were newly again required to have in remem-
" brance hir Majestie's first charge to have the same
" *kept in secret* by them, as hir counsellors in this
" cause;" Anderf. vol. iv. p. 176.; Goodall, vol. ii.
p. 258. As this is acknowledged by themselves to
have been the method of exhibiting those papers,
Bishop Lesly had certainly reason to challenge the whole
party, in the following words: " But (says he) who
" conferred these Letters, I pray you, with the Queen's
" owne hande-writing? Dare you to warrant them
" in this so perilous and weighty a cause, to have
" bene so exquisitely and so exactly viewed and con-
" ferred with al suche dewe circumstances as the
" Civil Law doth require, were it but a civil or
" money matter? You will, peradventure, answere,
" That there was dewe collation *by you made*. O per-
" fecte and worthy collation! O meete and apt men
" for such a purpose! As though it is not known
" throughout the world, that ye are her most mortal
" enemies;"—*Anderfson, vol. i. part ii. p. 19.*

“ as not being a legal proof.” Let us examine what authority Mr. Hume has for this assertion. We have seen from the record of 6th December, that Queen Elizabeth, in answer to Mary’s supplication, tells her commissioners, that she is to call upon Murray, and receive the proofs of his accusation against their Queen; that is, the Letters. In a paper drawn up by the Bishop of Ross upon that occasion, he uses the following argument: “ If they, Murray and Mortoun, wald pres to verify their accusation by comparifon of Letters, the samen is na ways sufficient; *cum, de jure, fallacissimum genus probandi sit per comparationem literarum.*” The above authority from the Roman law, that a proof *comparatione literarum* is the most fallacious of all proof, is certainly just; especially in absence of the party accused. But does it follow from this, that the Bishop, by using this argument, expressly declined comparing the hands, as Mr.

Hume

Hume is pleased to assert? With submission, the contrary of this appears; and that Queen Mary repeatedly, as we shall see, instructs her commissioners to see and inspect the original Letters; but in vain: this reasonable and necessary demand, though often insisted on by them, they never did obtain. To proceed:

In support of the Letters, Morton himself, the Queen's accuser, affirmed he got the Box with those writings from Dalglish in the manner above mentioned; and one Crawford (a dependent on the Earl of Lennox, another accuser of the Queen), the person mentioned in the first Letter as sent by Lennox to meet Mary in her road to Glasgow, gave testimony to the verity of that occurrence, and some other such incidents mentioned in one of the Letters. These, whether true or false, seem to be of no consequence; for this plain reason, that whoever did write the Letters, would

take care to inform themselves of every incident that happened in Mary's company when she was at Glasgow, at the time she is supposed to have written these Letters to Bothwell; and they could not have applied to a better hand for their information, than to this servant of Lennox, or even to Lennox himself, who, nobody will doubt, were both very ready to give all the information in their power against Queen Mary. The Box and Letters *per se*, then, with Morton's single affirmation as to the manner in which they came into his possession, are the only evidences against the Queen which were produced at the conferences.

Let us here attend to Morton's story of the seizure of the Box and Letters.—A very little reflection evinces the whole to be a most palpable and daring falsehood. This fatal Box, like Pandora's, full of every evil, was to be the instrument to dethrone an independent Queen, to seat her rebel subjects

subjects on that throne, and to transmit to future ages, as infamous, a character hitherto unfulfilled and splendid. Every circumstance then, which relates to the finding of this important Box, ought to be luminous, clear, and unsuspicious. Now if, according to Morton's affirmation, certain persons (not named) had seized Dalgleish with the Box in his custody, there could be no want of witnesses for proving this most important fact. Dalgleish, we have seen, who could have cleared up this affair, and told every circumstance relating to it, was tried, condemned, and hanged, and not one single question put to him concerning the Box and Letters! But what became of Sir James Balfour, and the persons on this occasion who seized Dalgleish in June 1567, little more than a year before the conferences in England took place? They were not hanged; they could have given full testimony to the truth of the

K 2

story,

story, if there had been the least grain of truth in it. Is it possible then to account for Murray and Morton's declining to bring forward and to exhibit such necessary witnesses on so important a point, on any other supposition than that of the absolute falsehood of the whole tale, affirmed upon honour by Morton alone? affirmed only by that man whom no tie of honour could ever bind; who had been his whole life engaged in a series of treasonable conspiracies against his Sovereign; had led a band of assassins to assault her in her own palace, and to murder her Secretary at her feet! Those Letters then, from their first appearance in the hands of Morton, the Queen's accuser, until their final exit with him, we see stamped with the brand of falsehood in their front; falsehood so palpable, that, before any court of inquiry other than Elizabeth's, must have reprobated them with infamy.

Upon such gross partiality of Elizabeth, it is no easy matter to say what course would have been most proper for Mary to have steered. Being denied that privilege which the greatest criminals have always been allowed in every civilized nation, that of being heard personally in her own defence, and of interrogating and confronting her accusers, she had ordered her commissioners to break off all further conference, before judges already so determined against her. Dr. Robertson is of opinion, that, had she rested there, it was the most prudent part she could have acted.—Had Queen Mary been conscious of guilt, she, no doubt, would have done so. It must be considered, however, that her enemies had, at this time, not only accused her publicly of being privy and accessory to the King's murder; but had, in compliance with Elizabeth's order, produced their proof, the Box with the Letters, which they asserted did amount to a full conviction of Queen Mary's guilt.

134 INQUIRY *into the* EVIDENCE

This was the consummation of Elizabeth's utmost wishes. It behoved Mary, on the other hand, clearly to see the inferences that might be drawn to her prejudice from this step which she had been provoked to take. By declining the combat, she yielded the victory to her enemies, and left them in the clear possession of the field. On these considerations, bold in her innocence, she scorns all subterfuge—she determines to give answers to Murray's accusation; which she accordingly sends to her commissioners. And moreover, as to the Letters and other Writings, which she was informed Murray had shown in evidence against her, she writes to her commissioners, Dec. 19, 1568, as follows: “ We have
 “ refavit the eik (additional charge) given
 “ in be the Erle of Murray and his
 “ complices; and quhair thay have said
 “ thairin, that we knew, counfallit, advisit,
 “ or commandit, the murthir of our huf-
 “ band, *they have falselic and traitouruslie*
 “ *lyed,*

“ *lyed, imputing unto us the crime qubairof*
 “ *thay thamefalsis ar authors, inventars,*
 “ *doars, and sum of them propper executors.*
 “ —And to the effect our guid sifter may
 “ understand we are not willing to let
 “ thair false inventit allegeances pass over
 “ with silence, adhering to zour former
 “ protestatiounis*, ze fall desire the *inspec-*
 “ *tioun* and *doubillis* of all thay haif pro-
 “ ducit againis us; *and that we may see*
 “ *the alledgit principal writingis*, gif they
 “ haif ony, productit; and, with God’s
 “ grace, we fall make sic answer thairto,
 “ that our innocence fall be knawin to our
 “ guid sifter, and to all uther princes; and
 “ siclyke fall charge them as auctors,
 “ inventars, and doars, of the said crime
 “ they wald impute to us, and prove the
 “ same sufficiently, sua that we may have
 “ our guid sifter’s presence, as our adver-
 “ saries have had, and reasonable space and

* Viz. That the procedure was not to be in a judicial way. Vide the protestation, p. 112.

K 4

“ tyme

“ tyme to get sic verificatioun as apper-
 “ tains thairto *.”

In consequence of this letter, Mary's commissioners repaired, on the 25th day of

* Cot. Lib. Goodall, vol. ii. p. 289.

It is to be observed, that Anderson, who pretends to have given a full account, and extracts, of the whole procedure before the English commissioners and Council, “ from the time the Queen escaped from Loch-
 “ leven, until the conferences at York, Westminster,
 “ and Hampton-court, were ended,” vol. iv. preface, p. 8. has thought proper to suppress the above letter of Queen Mary to her commissioners, their remonstrance in consequence desiring inspection and copies of the Letters, and their mistress's resolution to answer the same. And he makes no mention of any further procedure in the matter after the Council of the 16th December 1567, Anderson, vol. iv. p. 182.; though they were continued, and frequent, until the 2d February 1568, Goodall, vol. ii. p. 333. Such a manifest imposition in this compiler, who must have seen every one of those papers in the Cotton Library and Paper-office, in the same books from which he has extracted the papers he has been pleased to give us, is too glaring an instance of this gentleman's partiality to be passed over in silence. Mr. Hume has followed Anderson's example.

December

December 1568, to the presence of Queen Elizabeth and her Council; where they produced the letter and instructions from their mistress, together with an answer from the Queen herself to the accusation of Murray and his associates *, which they read

* The accusation against the Queen is in general terms. The heads are as follow: " That as James Erle of Bothwell was the chief executor of the unworthy murder of unquhile King Henry, the Queen's lawful husband, sa was she of the foreknowledge, deviser, persuader, and commander, of the said murder, and maintainer and fortifiar of the executors thereof, by impeding and stopping of the inquisition and punishment due for the same, be marriage with the said Erle of Bothwell, delatit and esteemit the murtherer;— and intendit, as appeared by thair proceedings, to cause the innocent Prince, now our Sovereign, shortly to follow his father; and so to transfer the crown fra the richt line to a bloody murtherer, and godless tyrant. In quhilk respect, the estates of the realm, finding her unworthy to reign, decernit her demission of the crown, with the coronation of our Sovereign Lord, and establishing the regency in the person of me the Erle of Murray during his Highness's minority; as in the acts
maid

read before her Majesty, and repeated the request to see and inspect the *principal writings* produced against their sovereign, and

maid thereanent more largely is contained." *Cot. Lib. Calig. C. I. Goodall, vol. ii. p. 206.*

The Heads of the Queen's Answer.

"Forasmuch as the Erle of Murray and his associates, for collouring their horrible crimes against us, have maintained, "That as the Erle of Bothwell has "been the principal executor of the murther of our "late husband; so we knew, counsellit, and com-
mandit, the said murther:" they have falselie, traitourously, and mischantly lyed, imputing to us the crime of which themselves were the authors, inventars, doars, and some of them the proper executors,—
And where they alledge, "That we stopped inquisition
"and due punishment to be maid on the said mur-
"ther:" it is another calumny, which having already sufficientlie answered, in our reply at York, wherein they were stricken down, as likewise in that which they rehearse as to our marriage with the Erle of Bothwell, thinks it not necessary to make them any further answer; but refer to the same, which answers both these two points *.—And where thay allege, "That we

* *Vide supra*, p. 105—107.

"should

and to have doubles of them. To this Elizabeth's answer was,—“*Quibilk desire her Majesty thocht very reasonabill,*
“ and

“ should have been the occasion to cause our son follow his father:” that calumny may serve as a proof of the rest; for the natural love of a mother towards her child confounds them; and the great care that we have always had of our son, shows how shamefully they set forth the malice of their hearts, in asserting what, in their conscience, they know the contrary of; also the testimony of John Maitland, Prior of Coldingham, who being in France before our imprisonment, received letters, by which he was informed, that they intended to make insurrection, and to draw the people to their side, upon three different pretexts: First, To deliver us from the hands of the Erle of Bothwell;—Second, To revenge our husband's death;—and the third, To preserve our son, though they knew we had put him out of all danger in the Erle of Marr's hands. And their actions since that time has sufficiently verified Maitland's information,—That they at present fortifie themselves in our son's name, untill their tyranny shall be better established, in the same manner as, after the many acts of our bounty conferred on them, they, notwithstanding, would have slain both
the

“ and declared hir to be very glaid that
 “ her guid sifter wald mak answer in that
 “ manner for defence of hir honour; and
 “ to the effect hir Majesty might be the
 “ better advyfit upon thair desyris, and
 “ give answer thairto, desyrit ane extract
 “ of the said writing * to be given to hir

the mother and child, when he was in our womb, and did him hurt before he was born [in the assassination of Rizio in her presence, of which Morton was the ringleader]; which manifestly shews, by the crimes which they have formerly committed before God and man, that they are falsely set against our innocence.—As to the alleging, “ That the estates found us unworthy to reign, and decerned us to resign the crown to our son;” it is answered, That they caused us to subscribe our demission by force; and that in our former reply at York, it was shewn, that their pretended assembly of the estates was unlawful, and against the standing laws of the realm; to which the best and greatest part of the nobility was against, and opposed the same; protesting to add to this answer, as time, place, and need, shall require.” *Cotton Lib. Queen's reg. Goodall, vol. ii. p. 283. 285.*

Bolton, 19th of December 1568.

* *i. e.* The Queen's answer to the accusation.

“ Hieness;

“ Hienefs; whilk the faid commissioners
“ did on the morn deliver *.”

With regard to Murray's accusation against Queen Mary, founded on the reasons and arguments therein set forth; her answer thereto, confuting these arguments, with others equally strong, is sufficient, by showing the improbability of their charge; and that certain of the accusers themselves were the authors, inventors, and executors, of her husband's murder, by having entered into bonds of association for that purpose †. So far the accusations of both parties against

* Cotton Lib. Goodall, vol. ii. p. 282.

† *Vide supra*, p. 114.

This accusation of Murray and his colleagues seems not to have sat easy upon Murray. Lord Lindsay, one of the party, a hot, violent man, who, it is believed, was not concerned in Darnley's murder, is spirited on by Murray and Morton to send a challenge to Lord Herries, one of Mary's commissioners, upon account of the above accusation, which it appears was not meant for him. The challenge is in these words:

LORD

against each other were seemingly equal. But Murray had, in support of his charge, produced certain Writings, Letters, written,

as

LORD HERRIES,

I am informit, that ye have spoken and affirmed, that my Lord Regent's Grace, and his company here present, wer giltie of the abominabill murther of umquhile the King our Sovereign Lord's father. Giff ye have swa spoken, ye have said untruly, and therein have lyed in your throte; whilk I will maintain, God willing, against you, as becoms my honour and duty; and hereupon I desire your answer.

Kingston, 22 Dec. 1568. PATRICK LINDSAY.

Lord Herries's Answer.

LORD LINDSAY,

I have seen ane writing of yours, of the 22 December; and thereby understands,—“Ye are informed that I have said and affirmed, that the Erle of Murray, whom ye call your Regent, and his company, are guilty of the Queen's husband's slaughter, father to our Prince; and giff I said it, I lyed in my throte; whilk ye will maintain agains me, as becomes you of honour and duty.

In respect they have accusit the Queen's Majesty, mine and your native Sovereign, of that foul crime, far by the duty that good subjects ought to have done
to

as he affirmed, by her own hand, to the Earl of Bothwell, which to appearance proved her to have been in the forknowledge of the King's murder. What answer, if innocent, could she make to this? This only one, surely, which she did make, That these Letters were forged. She went further; she asserted, that her accusers themselves were the forgers; from this

to thair native Sovereign,—*I have said, there is of that company present with the Erle of Murray, giltie of that abominable treason, in the foreknowledge and consent thereto. That ye were privie to it, Lord Lindsay, I know not; and gif ye will say, that I have particularly spoken of you, ye lyed in your throte; and that I will defend, as of my honour and duty becomes me.*—

But let any of the principalls that is of them subscribe the like writing you have sent to me, and I shall point them forth, and fight with some of the traitors therein: for metest it is that traitors should pay for their own treason.

HERYS.

London, 22 December 1568.

As Lord Herries was known to be a man of strict honour and great bravery, it does not appear, that Murray, or any others of his company, called upon him for an explanation.

presumptive

presumptive reason, That it was a fact well known, that some of them could well counterfeit her hand-writing, and had been in the practice of doing so *. She therefore requested, that she might see and have inspection of the principal Letters themselves, and also have full copies of them delivered to her; from which she asserted, that she would make the forgery of those pretended Letters, and her own innocence, clearly appear.

In the Queen's situation, let me ask the most prejudiced against her, could she have made a more proper answer? Suppose a man was to swear a debt against me, and offered to prove it by bond or bill of my hand-writing; if I knew this bond to be a false writing, what would be my defence? Show me the bond itself, and I will prove

* One glaring instance of their practice in this way, we shall see, in a letter forged in her name, when they sent the Queen prisoner to Lochleven.

it

it a forgery. If he withdrew the bond, and refused to let me see it, what would be the presumption? Surely, that the bond was forged, and that the user was himself the forger.

The case is precisely similar to the point in hand. The Queen, we have seen, repeatedly demands to see the principal writings themselves, which she asserts are forged. Elizabeth herself says, the demand is most reasonable. What follows? Is this reasonable demand of Mary complied with? Far from it: we shall see, that, so far from seeing or having inspection of the originals, even copies of them are refused to her and her commissioners.

On the 7th day of January 1569, Lord Herries, and the Bishop of Ross, in consequence of another letter from Queen Mary, which they produced, "passed to
" the presence of the Quene's Majestie of
" Ingland, hir Hienes's counfall being alswa
Vol. I. L " pre-

“ present, and declarit, that they had pre-
 “ sently reffavit writings fra the Quene’s
 “ Majestie of Scotland thair sovereigne, be-
 “ the whilk *they were of new commandit to*
 “ signifie unto hir Majestie, that she wald
 “ answer to the calumnious accusation of
 “ hir subjects, and als wa wald accuse them
 “ as principall authoris, inventaris, and
 “ executoris, of that deed for the quhilk
 “ she was falselie accusit be thame, con-
 “ form to the writings presentit of before
 “ in her name; and thairfore *desirit the*
 “ *writings* produced be hir inobedient
 “ subjects, *or at the least the copies thair of,*
 “ to be deliveret unto thame, that thair
 “ maistress might fully answer thairto, as
 “ was desyrit.”

“ And the Quene’s Majestie of Ingland
 “ tuik to be advyfit thairwith, and pro-
 “ mised to give answer within two or three
 “ days *.”

* Cotton Lib. Goodall, vol. ii. p. 297.

One may easily perceive, that if Queen Elizabeth had truly any intention that a fair trial and inspection of the Letters should be made, and to hear if any objections could be raised against them, there could be no reason for hesitating one minute on Mary's repeated supplication for a sight of them, or, at least, to have copies of them delivered to her; without which it was impossible for her, or any person whatever, to make a proper answer, or to detect the forgery. But it was the very opposite of Elizabeth's scheme and intention, to give way to a scrutiny of such precious materials, the darling instruments of her resentment against Mary, which perhaps might invalidate those proofs, and blow them in the air; the consequence of which, as it would have been a most convincing testimony of Mary's innocence, must necessarily have been a clear proof, at the same time, of Murray and Morton's guilt. Elizabeth was therefore fully determined not to give

ear to those demands. The shift she made use of to avoid this pinching question, shows her perplexity: instead of answering Mary's request to see the Letters, Elizabeth immediately after makes the following proposal to Mary's commissioners, 7th January 1568-9: "That it were best *some appointment* shuld be made between the Quene of Scotland, hir guid sifter, and her subjectis; and to the effect the said Quene may live in suretie in tyme cuming, and because it has bein thought that scho mislykit hir subjectis, throw thair evill behaviour toward hir, and thay mislike also hir government; it semit thairfoir maist meit and convenient, that scho, as being wearie of that realme, and government thairof, shuld *zield up the crown, and government thairof, and demitt the samin in favouris of hir sone the Prince* *; —and scho in the mean time to re-

* i. e., to Elizabeth, and Murray as her Vice-gent.

" main

“ main in this realme of Ingland privatlie,
“ and so the country shoulde be at ane
“ quyetnes*.”

It will be remembered, that when Mary's commissioners, before Murray had produced the Box and Letters, proposed an accommodation between the parties, then Elizabeth had told them, That after such accusation, she thought it inconsistent with her sister Mary's honour and innocence, to have the matter ended by *appointment* †. The reason for Elizabeth's altering her note at this period, is extremely obvious.

The answer made by Mary to this proposal of Elizabeth's, was such as a high-born spirit, conscious of innocence and oppression, could only have dictated: “ I am
“ determined rather to die, than sub-
“ mit to such a measure; and the last

* Cotton Lib. Goodall, vol. ii. p. 300.

† Cotton Lib. Goodall, vol. ii. p. 225.

“ words of my life shall be, as Queen of Scotland *.”

The firm tone in which Mary expressed herself at this time, and her whole behaviour, show, that she sufficiently understood Elizabeth's scheme, and that impartiality was not to be expected from her. She was determined, notwithstanding, to vindicate her innocence; and at the same time to prove, that Murray, Morton, and Lethington, whom she had already publicly accused, were themselves the devisers, and some of them the perpetrators, of the King's murder.

Either of these points was inconsistent with Elizabeth's plan: she had spirited on Murray and his associates, publicly to charge their Sovereign as a murderers and

* *Je suis résolue et délibérée plutôt mourir, que de faire; et la dernière parole que je ferai en ma vie, sera d'une Roynie d'Escoffe.* Paper-office, Goodall, vol. ii, p. 301.

adulterers.

adulterers. She had the address to get into her hands what, they alleged, amounted to a proof of their charge. Whether these were true or not, the world would always believe them true, so long as they were not exposed, and found to be spurious. It was therefore high time now to dismiss Murray and his party, to avoid any discussion of their evidence, and likewise to baffle the attack made against themselves.

Upon the 11th of January 1569, the commissioners on both sides were brought to meet, in presence of the English Council, where Secretary Cecil, in Elizabeth's name, "declarit, that the Erles of Murray, Morton, and thair adherentis, wer licencit be the Quene's Majestie to depart into Scotland. And because it was bruited and sklauderit that thay wer participant of the murthour of the Quene's husband,—thay desirit to knaw, quhethey thay wald accuse thame in the

L 4

"Quene's

“Queen’s name, or in thair awin
“names *.”

The answer made by the Queen’s commissioners to this, was, That by a special

* Cotton Lib. Goodall, vol. ii. p. 307.

Devices of this sort have often, with success, been practised, to save appearances, and to conceal inquiries from the public view, which were not so convenient to be laid open. Thus, to give an instance from modern history, in the year 1734, when a petition was presented to the House of Lords by the Dukes of Hamilton, Queensberry, Montrose, and many other Scotch Peers, complaining of undue practices, and acts of bribery and corruption, used in bringing about the election of the sixteen Scotch Peers to sit in Parliament the preceding year; and praying, That an inquiry should be made into the facts complained of; the method used on that occasion, to stifle so dangerous an inquiry into those dark scenes of iniquity, was an order of the house, That before any inquiry should be made, the petitioners should give in, in writing, the particular instances of the illegal practices complained of, and likewise *the names of the persons* by whom such practices were used; that is, that they should directly accuse some of the highest persons then in power. The inquiry, in consequence, was dropped. *Vide* the Protests of the House of Lords, February 1734.

command

command of their Sovereign, “ by hir let-
“ teris under hir signet,—thay were ex-
“ presslie commandit to accuse the Erle of
“ Murray, and utheris his adherentis, to
“ be principal authouris, inventaris, doaris,
“ and some of thame proper exequutouris
“ of the murthour. Conform to the quhilk
“ letteris, thay had alreadie publictlie ge-
“ vin in thair accusatioun in write,—and
“ offerit thame constantlie to abide thair-
“ at, in thair mistres’s name; and had
“ offered alswa to defend her innocencie,
“ and to answer to all the calumnies al-
“ ledgit or productit againis hir, swa being
“ that scho might have the copies of the
“ pretendit writtingis gevin in, publictlie
“ or privatlie, againis the Quene thair
“ maistres; quhilkis thay have divers
“ tymes requirit of the Quene’s Majestie,
“ and hir counsal, suppois thay have not as
“ zit obtenit the samen: and *how fone*
“ that thay ressavit the copies thair of,
“ scho wald answer thairto, in defence of
“ hir

“hir innocencie, and alswa particularlie
 “nominate and accuse fuch personis, be-
 “ing present of thair cumpanie *, as
 “wer guiltie of that murthour; and
 “wald verifie and pruiſ the ſamen ſuf-
 “ficientlie †.”

This firmneſs in Queen Mary's miniſters, in inſiſting even to have copies of the writings, and in abiding by their accusation of Murray and Morton, was moſt irkſome to Elizabeth: we ſhall ſee ſhe immediately took a moſt effectual way to cut through this troubleſome affair.

The very next day, “Upon the 12th
 “day of January 1568-9, the Erle of

* The Queen had already named who theſe were, See Lord Scroop's letter to Queen Elizabeth; where Queen Mary affirms, “*That both Lidinton and the Lord Morton were acceſſary to the murder of her husband, as it could be proved,* although now they would ſeem to proſecute the ſame.” *Goodall, vol. ii, p. 71.*

† Cotton Lib. *Goodall, vol. ii. p. 308,*

“Murray,

“ Murray, and all his adherentis, came to
“ the prefence of the Quene’s Majestie
“ of England, and gat licence to depart
“ into Scotland *.”

This step was very well judged. By dismissing these gentlemen with their Box and Writings †, it deprived *for ever* the Queen or her friends of seeing the originals. And now, as to giving copies of them, a new device is tried, in order to elude even that: on the 13th of January, the Bishop of Ross and Lord Herries are called to court, and acquainted by Cecil ‡, “ That hir Majestie, Quene Elisabeth, will
“ not refuis unto the Quene, hir guid
“ sifter, to give the dowbillis of all that
“ was product;”—but with this certification, “ that scho will have a special
“ writing sent be the Quene of Scottis,

* Cotton Lib. Goodall, vol. ii. p. 309.

† Goodall, vol. ii. p. 235.

‡ Ibid. p. 310.

“ signet

“ signet with hir awin hand, promising
 “ that scho will answer to the famin writ-
 “ ingis and thingis laid to her charge,
 “ but ony exceptioun.” To this it was
 answered on the spot by Mary’s ministers,
 That what Secretary Cecil, in his mistres’s
 name, now required, was already done,
 viz. “ by twa several writingis schawin
 “ and read in presence of hir Majestie
 “ (Elizabeth) and hir counsal, subscrivit
 “ with hir awin hand, and under hir sig-
 “ net, quhairof the extract was deliverit to
 “ Quene Elisabeth herself*, in the quhilk
 “ scho offerit to mak answer upon certain
 “ conditionis thairin expremitt, swa’ be-
 “ ing scho may have the writingis, or
 “ at leist the copies of thame.” To this
 answer Secretary Cecil makes no reply.
 Indeed no good one could be made; nor

* *Vide* Mary’s letter from Bowton, 19th December
 1568, *supra*, p. 134. Goodall, vol. ii. p. 285. 288.
 And ditto from Bowton, the 2d January 1569,
 Goodall, vol. ii. p. 298.

is it possible, supposing Queen Elizabeth to have been thoroughly convinced that these Letters were genuine, to frame the shadow of a reason for her refusing to give Mary inspection of the principal Letters, and copies of them. The intention of this last shift, was only to put some colour upon a flat refusal to allow Queen Mary to see either the principal writings, or even copies of them. Mary's commissioners took hold of this occasion to urge another point, viz. a complaint in their mistress's name, in respect " That the Erle
" of Murray and his adherentis, quha
" have been publictlie accusit be the
" Quene,—wer licensit be the Quene of
" England to depart the realme into Scot-
" land, not abiding to heir the defence of
" the Quene's Hienes's innocencie, nor
" the tryal and pruiſ of thair detectioun,
" quhilk was offerit to pruiſ thame guiltie
" and culpabil of the ſamin crime; but
" thair

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“ thair being fully dimittit, and na end
 “ put unto the cause, it appeirit not thair-
 “ for meit that the Quene sould mak ony
 “ furder answer, less nor hir said rebellie
 “ be stoppit, to remane within this realme,
 “ until the time that the trial tak end :
 “ and gif thay wer sufferit to depart, de-
 “ sirit that it might be alswa leasum to
 “ the Quene, thair soverane, and hir com-
 “ missioners, to depart into Scotland, for
 “ the greit inconvenience micht follow, in
 “ cais the ane part wer permittit to pass to
 “ Scotland, and the uther detenit within
 “ Ingland ; and the inequallity of dealing
 “ in that behalf is apparent.”

To the quhilk it was answerit, “ That
 “ the Erle of Murray has promisit to the
 “ Quene’s Majestie of Ingland, for him-
 “ self and his cumpanie, to return agane
 “ quhensoever hir Majestie sould call for
 “ him or thame : bot, in the mean tyme,
 “ the

“ the Quene of Scotland, thair mistres,
“ could not be suffered to depart, for di-
“ vers respects *.” Upon this refusal of
the Queen’s liberty, her commissioners en-
tered a protest.

In this manner did Murray and Morton,
with their Box and Letters, withdraw from
the conferences in England. What after-
wards became of the Letters, we know not.
They are now lost, or have been destroyed,
nobody knows how. This we are certain
of, and have seen, that Queen Mary, not-
withstanding her frequent assertions, that
they were forged by her accusers, and her
repeated earnest supplications, both under
her hand, and by the mouth of her com-
missioners, to see the Letters, to answer
them, and to prove the forgery upon Mur-
ray and Morton, could not prevail in so
reasonable a request. And to her dying
hour, these very Letters, upon which only,

* Goodall, vol. ii. p. 312.

at this day, her enemies pretend to found any proof of her guilt, were most industriously hid from her, and at last buried for ever in the same pit of darkness from which they at first emerged.

The conferences being thus finally broke up, it may be proper to show the sentiments of Queen Elizabeth and her council with regard to the matters that had been laid before them.

Elizabeth's visible partiality in every step of the procedure, her determined resolution not to hear Mary in her own defence, and the palpable shifts and evasions used to prevent her from seeing the Letters produced against her, can only be accounted for, as arising from a tacit conviction, that they could not stand the test of a fair scrutiny.

Before Murray and his associates got their license to depart with their evidence,
they

they are called before Queen Elizabeth's council, where Secretary Cecil, by his Queen's command, thus harangues them :

“ For so much as there has been nothing
“ deducit against them (Murray and his
“ party) as yet, that may impair their honour or alledgeances ; and, on the other
“ part, there had been nothing sufficiently
“ product, nor shawn be thame, againis
“ the Queen thair soveraigne, whereby the
“ Queen of England suld conceive or tak
“ ony evil opinion of the Queen her guid
“ sister for ony thing yet seen * ; and thair
“ being allegit be the Erle of Murray the
“ unqueyit state and disorder of the realm
“ of Scotland now in his absence, hir Majesty thinketh meet not to restrain his

* What pretence, then, had she for detaining Queen Mary one moment after this a prisoner, and giving sanction to Murray's usurpation of her government ?

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M

“ liberty,

“ liberty, &c. but suffers him to depart *.”

Whatever might be the real sentiments of Queen Elizabeth in this matter, it appears pretty plain, that the Lords of her council, who had been witnesses to the whole procedure in these conferences, saw through Elizabeth's policy, and were convinced of Mary's innocence. My authority for this, is an incident which happened within some months after the breaking up of the conferences; to wit, the proposal of marriage which the Duke of Norfolk, no less eminent for his virtue than his rank, being the first Peer in England at that time, made to the Scotch Queen. To this it may be objected, That his passion, and the advantages which he proposed from this match, might have blinded him, or made him shut his eyes

* Goodall, vol. ii. p. 305.

against

against the truth. Yet surely this was not the case with most of the English nobility who espoused this scheme *, and particularly the Earls of Arundel and Pembroke, and the Earl of Leicester, Queen Elizabeth's favourite, who wrote and signed a letter to Queen Mary, warmly recommending the match, and promising to support her title to the succession of the English crown after the death of Elizabeth. These Peers had all of them been in Queen Elizabeth's council, and had seen and examined with their own eyes the whole evidence produced against Queen Mary. I leave it therefore to the reader to decide,

* Dr. Robertson, vol. i. p. 501. says, The greater part of the English Peers, either directly or tacitly, approved of the match as a salutary project; and the Earls of Arundel, Pembroke, Leicester, and Lord Lumley, subscribed a letter to the Scotch Queen, written by Leicester's hand, warmly recommending the match.—Would they have done so, had they not been convinced of her innocence?

if such would have been the conduct of the English nobility in support of Queen Mary's title to their crown, and in promoting her marriage with a person of the highest rank in the kingdom, had they seen convincing proof, from this pretended evidence, of her guilt as an adulteress and murderers.

The preceding account of the several steps of the conferences relating to the Letters, from the very words of the records themselves, is so very different from Mr. Hume's relation, in his History, that I think it incumbent upon me, in justice to the public, to set down an abstract of his account: so that, upon a comparison, the impartial reader may, from his own eye-sight, judge how far that author has been directed by certain evidence, or prejudice, against the unfortunate Queen Mary, in his representation of this affair.

“ When

“ When the charge (says Mr. Hume) or
“ accusation against Mary was given in,
“ and copies of it transmitted to the Bishop
“ of Ross, Lord Herries, and the rest of
“ Mary’s commissioners, they absolutely
“ refused to return any answer; and they
“ grounded their silence on very extraor-
“ dinary reasons: They had orders, they
“ said, from their mistress, if any thing
“ was advanced that might touch her ho-
“ nour, not to make any defence, as she
“ was a sovereign princess, and could not
“ be subject to any tribunal; and they
“ required, that she should previously be
“ admitted to Elizabeth’s presence, to
“ whom, and to whom alone, she was
“ determined to justify her innocence:
“ They forgot that the conferences were at
“ first begun, and were still continued,
“ with no other view than to clear her
“ from the accusations of her enemies;
“ that Elizabeth had ever pretended to en-
“ ter into them *only as her friend, by her*

“ *own consent*, not as assuming any su-
 “ perior jurisdiction over her; that that
 “ princeſs had from the beginning reſuſed
 “ to admit her to her preſence, till ſhe
 “ ſhould clear herſelf of the crimes im-
 “ puted to her; that ſhe had therefore diſ-
 “ covered no new ſigns of partiality by her
 “ perſeverance in that reſolution; and
 “ that though ſhe had granted an audience
 “ to the Earl of Murray and his colleagues,
 “ ſhe had previously conferred the ſame
 “ honour on Mary’s commiſſioners; and
 “ her conduct was ſo far *entirely equal* to
 “ both parties.”

It is ſtrange to ſee how prejudice has
 carried our author ſo far as to ſay, that
 Elizabeth’s conduct was *entirely equal* to
 both parties, — Has he really forgot the
 ſituation of the parties at this time? and
 that while Murray and Morton, the ac-
 cuſers, were preſent at theſe conferences,
 ſupporting their accuſation, and incited to
 it

it and careſſed by the judge, the accuſed perſon, the unfortunate Queen, was not allowed to be preſent, to defend herſelf; to ſee either her judge, her accuſers, or the evidence which they produced againſt her; but was, during the whole time of this ſtrange trial, confined in a diſtant priſon?

“ As the Queen of Scots (continues Mr. Hume) *refuſed to give in any answer* to Murray’s charge, the neceſſary conſequence ſeemed to be, that there could be no farther proceedings in the trial *.”

—The fact however is not ſo. The conferences, as we have ſeen, did proceed, and Queen Mary did give in an answer, which we have recited above (p. 138.). If, therefore, the breaking off the trial ſeemed to be a neceſſary conſequence of Mary’s reſuſing to answer, how, let me aſk, came Elizabeth, notwithstanding, to proceed in

* Hume, vol. ii. p. 496.

the trial, in absence of both Mary and her commissioners? Was not this the height of partiality, in this pretended friend of Mary, to hear her enemies by themselves, or to receive any thing from their hands as sufficient proof against her, upon their word only? And when she did so, ought she not, in common justice, to have communicated the same to Mary?—But to go on with our author's account :

Elizabeth and her ministers “ desired to
 “ have in their hands the proofs of her
 “ guilt. — Murray made no difficulty in
 “ producing the proofs of his charge
 “ against the Queen of Scots, and, among
 “ the rest, some love letters and sonnets of
 “ hers to Bothwell, wrote all in her own
 “ hand, and two promises of marriage to
 “ him. — They contained incontestable
 “ proofs of Mary's criminal correspond-
 “ ence with Bothwell, of her consent to
 “ the King's murder, and of her concur-
 “ rence

“rence in that rape which Bothwell pre-
“tended to commit upon her. Murray
“fortified this evidence, by some testi-
“monies of correspondent facts; and he
“added, some time after, the dying con-
“fession of one Hubert, or French Paris,
“a servant of the Earl of Bothwell, *who*
“*had been* executed for the King’s murder,
“and who directly charged the Queen
“with her being accessory to that criminal
“enterprise*.”

Would not any one believe from this account, that Hubert had been hanged before the time here spoken of by Mr. Hume, and that his confession had been produced during the conferences? and yet we have seen that Hubert was alive all the time of the conferences, and no confession from him, nor the least mention made of his name.

“Mary’s commissioners (continues our
“author) had used every expedient to

* Hume, vol. ii. p. 497. first quarto edition.

“ward

“ ward this blow, which they saw coming
 “ upon them. — And finding that the
 “ English commissioners were still deter-
 “ mined to proceed in the method which
 “ had been projected, *they finally broke off*
 “ the conferences, and *never* would make
 “ any *reply*. These papers have all of
 “ them been since published. The ob-
 “ jections made to their validity are, in ge-
 “ neral, of small force : but were they ever
 “ so specious, they cannot now be heark-
 “ ened to, since Mary, at the time when the
 “ truth could have been fully cleared, did,
 “ in effect, ratify the evidence against
 “ her, by recoiling from the inquiry at
 “ the very critical moment, and *refusing*
 “ *to give any answer* to the accusation of
 “ her enemies *.”

In answer to this, I refer the reader to
 the foregoing abstract of the procedure in
 the conferences, from which he will judge

* Hume, vol. ii. p. 498.

with

with what candour the historian has so positively asserted, that Queen Mary *absolutely refused* to give in any answer to Murray's accusation and evidence ; and that her commissioners *finally broke off* the conferences, and never would make any reply.

On the contrary, we have seen, that Queen Mary did actually give in an answer to Murray's accusation, which we have given, at p, 138. And as to the Letters, and other evidence, which were given in against her, it was simply impossible that she could answer particularly to them, without seeing them. It stands proved, by the Queen's letters, and every paper delivered in by her commissioners to Queen Elizabeth, from the 25th of December 1568, to the 13th of January following, that she declared her resolution to answer particularly to them. And as a necessary step to that, she most earnestly solicited that she, or her friends, might be allowed

10

to inspect the pretended evidence, and to have a copy of the same: Both which requests were refused to her.

Thus the account given by the historian of Queen Mary's conduct stands plainly contradicted by the words of the records, which, it appears, he himself has perused. At the same time it is easy to perceive the evasive apology that our author pretends to make for this so strange a detail, viz. *1st*, That Mary had insisted to confront, personally, Murray and Morton, her accusers, in presence of Elizabeth, the whole English nobility, and foreign ambassadots; which Mr. Hume is pleased to say was such a request as could not be granted *. How so? was it impossible, or even unreasonable? On the contrary, we apprehend it was most just, and even necessary †. But let

* History of England, vol. ii. p. 501.

† Dr. Robertson more candidly allows, that the refusal of Mary's request was partial and unjust; *Robertson, vol. i. p. 413.*

us for once suppose it was unreasonable. Was this a good reason for refusing to give Queen Mary a sight of the evidence produced against her? and while Elizabeth unjustly refused this demand, did she not put it beyond Mary's power to make any other answer than what she did?

2dly, Says our author, Mary's request being refused, her commissioners had protested against all further procedure, on the 9th of December. The conferences, therefore, according to Mr. Hume, were from that minute, as he has said above, finally broke off. But this is a pitiful shift, in which our author has followed Anderson, who purposely breaks off his collections, and gives us no more of the proceedings of the English Council after the 16th of December. 1568 *. Let me ask, What was the basis of these conferences, and the de-

* Anderson, vol. iv. p. 179. as we have already observed, p. 136.

sign of the parties by entering into them? Mr. Hume himself has told us above, that the conferences were at first begun, and were still continued, with no other view than to clear Mary from the accusations of her enemies: "Elizabeth," says he, "had only entered into them *as her friend*, " *by her own consent*, not assuming any "jurisdiction over her." This I agree was truly the footing the conferences were on: Mary demands to be heard personally upon her defence; to confront and interrogate her accusers: a demand, I presume, equally just and necessary. Elizabeth refuses it. Mary's commissioners, on so manifest a partiality, protest against all future procedure in the matter. What follows? Let me ask, Do the conferences finally break up, as Mr. Hume has asserted? No; it is quite otherwise. On the 16th of December 1568, Elizabeth "wald "not be content that ony of thame (the "Scots commissioners) should depart into "Scotland

“ Scotland before the end of this confer-
“ ence *.” She allowed Murray and his
associates to proceed, and produce the
proof of their accusation; and, twelve
days after the protest, she wrote to Mary,
and advised her to make answer †. This
Mary had determined to do, before the
date of Elizabeth’s letter of the 21st of De-
cember; and had already written her re-
solution to her commissioners, on the 19th
of that month, to have inspection of Mur-
ray’s proof, “ and doubles of all they have
“ produced; and that we may see the allegit
“ principall writings productit; and, with
“ God’s grace, we sall make sic answer
“ thairto, that our innocence shall appear,”
and their guilt, “ swa that we may have
“ our good sister’s presence, as our adver-
“ saries have had ‡.” It is plain, there-

* Goodall, vol. ii. p. 269.

† Anderson, vol. iv. p. 179. Goodall, vol. ii.
p. 269.

‡ Cotton Lib. Goodall, vol. ii. p. 289.

fore,

fore, that as the conferences were entirely founded on the consent of parties, allowing that Mary's commissioners, or that even she herself, had broke them off, yet as Murray and his associates, on their part, were still going on before the English Council, it was still in Mary's power to resume her defence, as Elizabeth herself desired she should do; and which she did accordingly, in the strongest manner, by letters under her hand and signet.

Upon the whole, I leave it to every impartial person to judge, with what justice our historian has given sentence in favour of the evidence against Queen Mary, and to make his own reflections. At the same time, I think myself entitled to lay hold of the gentleman's own argument, and turn it against himself, by maintaining, That Queen Elizabeth, by refusing to Mary and her commissioners inspection of the evidence against her, or to give so much as a
copy

copy of the Letters, “ did recoil from the
“ inquiry at the very critical minute when
“ a scrutiny was demanded of that evidence,
“ and when the truth could have been fully
“ cleared ; and therefore has ratified every
“ argument and proof of forgery that is now
“ brought against them ;”—and, in fine,
has left an indelible stain upon the justice of
the whole procedure in that affair.

C H A P. II.

Abstract of Mr. Goodall's Arguments, proving the Letters to be spurious;—Dr. Robertson and Mr. Hume's Objections to Goodall's Proof;—Critical Observations on these Authors, and Answers to the Objections.

THE conferences in England being ended, the original Letters, said to have been written by the Queen to the Earl of Bothwell, were never afterwards exposed to light. Queen Elizabeth having attained the double end, of blackening Queen Mary, and securing the dependency of Murray's faction, broke off all further inquiry. That copies of the Letters were soon after spread abroad, is notorious. After being in the hands of Elizabeth and her Council, whose great aim, through the course of their proceedings, as has been shown,

shown, was to load Mary with the crimes imputed to her by her rebellious subjects, to countenance and support them in their usurpation, and to give a specious pretence for detaining that Princess a prisoner in England; it will scarcely be imagined, that Elizabeth would lose the fruit of her labour, which she had, by so much industry and care, brought to maturity, by keeping locked up from the public those pretended evidences of Mary's guilt, *her Love Letters and Sonnets*.

The originals produced were written in French, a language then as generally understood at the court of England as it is at this day. What a fund this of court-sandal! how delicious to Elizabeth, to mortify so hated a rival to her genius, to her beauty, to her kingdom! It will obviously occur, that Mary, by this time, when those Letters were in every body's hands, might easily have procured copies, and made an-

swer to them. I own it is not to be doubted but she must have got copies of them; but, as has been already observed, a forgery cannot be detected from a copy, and the inspection of the originals had constantly been refused to her. What answer then could she make? An answer, however, she did make. The Bishop of Ross, the very same year 1569, published her defence*.

As to the Letters, they are asserted to be forged; and that it was notoriously known, that persons about the Queen had often been in the practice of forging letters in her name;—that they had neither date, address, seal, nor subscription;—that, as what was said to be the originals had only been collated by the Queen's accusers and enemies, there was no proof that they were of her hand-writing.—The person (says the Bishop) who was surmised to

* Anderson, vol. i. part ii. preface, p. v.

be

be the bearer (Nicholas Hubert, or French Paris), “ at the time of his execution, took
“ it upon his death, as he should answer
“ before God, that he never carried any
“ such Letter, nor that the Queen was par-
“ ticipant, nor of council in the cause*.”
We see then, that though the Queen was denied a sight of the original Letters; yet, under that disadvantage, she made as good an answer as it was possible for an innocent person in her circumstances to have done.

There is no mention made of the Letters after this, until the year 1571, when Buchanan published his libel, intituled, *Detectio Mariæ Reginae*, which at the same time was published in the Scottish dialect. Secretary Cecil immediately took care to have it printed in England that same year 1571. The Latin copy had affixed to it the first three Letters of Mary only, trans-

* Anderson, vol. i. part ii. p. 19.

lated by Buchanan into that language ; and the Scottish copy contained eight Letters and certain Love-verses *.

In the beginning of the year 1572, at the time of the Duke of Norfolk's trial, a French translation of Buchanan's *Detection* was printed at London, to which were subjoined seven of these French Letters, and the Love-sonnets in verse. The title-page bears, that it was printed à *Edinburg le 13 de Fevrier 1572, par Thomas Waltam*. But there never was a printer in Scotland of that name.

The original Letters themselves, with the silver Box, which were delivered back to Morton, being long ago lost, this French

* Vide Alexander Hay's letter to John Knox, dated the 14th December 1571 ; and an anonymous letter, published at that time in England, to give credit to Buchanan's book ; Goodall, vol. ii. p. 371. 377.— Vide also a letter from Cecil to Walsingham in Digges's Ambassador, p. 151. ; Goodall, vol. i. p. 106.

copy

copy of the Letters, published recently after their appearance at the English court, has, now for these two hundred years, been looked upon by all parties as a true copy of the originals, and passed several editions as such.

The late learned Mr. Walter Goodall, keeper of the Advocates' library at Edinburgh, who had made it his study to collect materials for the history of those times, some years ago published a critical examination of the Letters. By comparing the three different copies of them together, he has, with great acuteness, shown, that these pretended Letters, said to be written in French by Queen Mary to the Earl of Bothwell, must be spurious. His arguments may be reduced to this short proposition.

The Letters said to be written in French by the Queen, as now extant, have, by all

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parties,

parties, been held for true copies of the originals produced by Morton, and have, down to this time, passed uncontested as such.

Buchanan, the confidant of Murray and Morton, who attended them both at York and London, had the Letters in his custody, and was so much master of their contents, that he was employed by Murray to show and explain them to the English commissioners at York, and translated the three first of them into Latin.

If then it can be shown, that, instead of the French being the originals, the Scotch copies are the true originals, and that the French are apparently translations from Buchanan's Latin, the conclusion fairly follows, that these French pretended originals, said to have been written by Queen Mary, are spurious. This Mr. Goodall has done.

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By comparing the Letters, as they stand in the three different languages, he has, to a demonstration, shown, that, instead of the Scotch and Latin being translated from the French originals, these last are palpably a version from the Latin, and the Latin again a version from the Scotch. The Scotch is apparently original: the thoughts therein are naturally and sententiously turned, and it abounds in phrases and proverbs peculiar to that language. — These are servilely expressed in the Latin, and sometimes erroneously: and as often as that happens, the French always follows these errors of the Latin. I shall not tire my reader with going through all Mr. Goodall's ingenious remarks; I shall only quote two or three examples from the first Letter *, and refer to his book for the rest.

1. The Scotch copy says proverbially, in Letter first, "Thair's na receipt" (mean-

* Goodall, vol. ii. p. 1.

ing

ing a medical prescription) “ can serve
 “ againis feir.” The Latin has, “ Nullam
 “ aduersus timorem esse medicinam.” And
 the French is, “ Qu’il n’y avoit point de
 “ remede contre la crainte.”

2. Scotch, “ Ye have *fair* going to see
 “ *seik* folk.” Another proverbial saying.

The Latin translator has here committed
 no less than two blunders ; he mistook the
 word *fair* (or fore) for *fair*, and the word
seik for *sic* (or such), and has translated
 them both erroneously in the last sense :

“ *Bella hujusmodi* hominum visitatio.”

And the French copies him thus: “ Voyla
 “ une *belle* visitation de *telles* gens.”

3. The Queen is made to say, That she
 was going to seek her rest till to-morrow,
 “ quhen” (says she) “ I fall end my *bybill*,”
 in place of her *bylle* (or bill), a word used
 commonly

commonly at that time for any sort of writing. The transcriber, from the resemblance of the two words, made it *bybill*. The Latin follows him in this absurdity: "Ego eo ut meam quietem inveniam in
"craftinum, ut tum mea *biblia* finiam." And the French follows him thus: "Je
"m'en vay pour trouver mon repos jusques
"au lendemain, afin que je finisse icy ma
"bible."

4. The Queen is made to say, "I am irkit,
"and going to sleep." From the similarity of the words, the transcriber has wrote *na-kit* (*i. e.* naked) in place of *irkit*. Which is translated in the Latin, "*Ego nudata*
"*sum*;" and the fervile Frenchman again translates it, "*Je suis toute nue*," "I am
"quite naked." We must believe the Queen to have been of a very warm complexion indeed, to be thus writing her Love-Letter stark naked in the month of January in Scotland.

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These are only a few of many such palpable instances discovered by Mr. Goodall, whereby he has proved undeniably, that the present French Letters, instead of being the originals, are, to a demonstration, translations from Buchanan's Latin, and these again versions from the Scotch copies of the Letters. This he has made so evident, that Mr. Hume, and likewise Dr. Robertson, in the Dissertation on the murder of King Henry Darnley, annexed to his History, who both labour to vindicate the authenticity of the French Letters produced by Murray and Morton, have been obliged *fairly to acknowledge**, that the French Letters now extant, are palpable translations from Buchanan's Latin and Scotch copies of these Letters: a concession the more remarkable, that it was never made before by any individual on their side of the question, the present French copy being always held to be the original from the year 1572, until

* Hume, vol. ii. p. 499. Robertson, vol. ii. p. 25.
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the day that Mr. Goodall published his detection of this pretended original, and exposed the imposture.

Mr. Hume, and his ingenious friend the Author of the Dissertation, affect to make light of this discovery of Mr. Goodall, and endeavour to evade the force of it, in the following manner. The original Letters (say they) are now lost, and we know nothing of them. I shall cite Dr. Robertson's words, in his answer to Mr. Goodall: "All
" this author's (Goodall's) premises may
" be granted, and yet his conclusions will
" not follow, unless he likewise prove,
" that the French Letters, as we now have
" them, are a true copy of those which
" were produced by Murray and his party
" in the Scots parliament, and at York
" and Westminster: but this he has not
" attempted*." Mr. Goodall is obliged to Dr. Robertson for having done it for

* Robertson, vol. ii. Dissertation, p. 25.

him in his Dissertation, by fairly acknowledging, " that Buchanan made his translation, not from the French, but from the " Scotch copy *." Is not this downright conviction? The historian here ingenuously tells the truth, though perhaps he was not aware of the consequence. Had there been any other French Letters than the present, what occasion had Buchanan for the Scotch, when he himself had possession of the originals? The Dissertator had certainly forgot, that Buchanan was actually one of the assistants appointed to the Scotch commissioners, and intrusted with the conduct of the whole process; and did, with Lethington, Mackgill, and Wood, exhibit the original Letters, and explain their contents in private to the English commissioners †. Buchanan could not have lost or mislaid them,

* Dissertation, p. 29.

† English commissioners letter to Queen Elizabeth, Cotton Lib. Calig. C. 1. p. 198.; Goodall, vol. ii. p. 140. 142.

because

because it is evident from Mr. Anderfon's account, that those Letters were in his hands, and were translated by Buchanan, at London, in the very time of the conferences*.

The point in question is, Whether such original French Letters ever existed? Surely it is a fair conclusion to assert, that if they did not exist with Buchanan, they did not exist at all; and if the Scotch commissioners, who were said to produce them, never saw them, nobody else ever did. It cannot be pretended that Buchanan, when he had recourse to the Scotch as the original, did not understand the French; he passed most of his life in France, and taught a school there. Indeed, since the Dissertator has been drove to deny that the French Letters before us are true copies of the originals, by all laws of proof and criticism, it was his bu-

* Anderfon, vol. ii. pref. p. ii. and a letter, p. 261.
siness

finess to produce these originals. But how is it possible to fix men, who, after having, for two hundred years, quoted and insisted on these Letters as originals, and have even commended the elegance of their composition, on finding themselves forced to give them up, have now recourse to other Letters, which they acknowledge to be lost; and now say, were never seen, even by Buchanan, who was employed by the public to produce them?

It was never till this day insinuated by any of the partisans against Queen Mary, that the present French Letters were vitiated translations. Not even Morton himself, nor Buchanan, who lived many years after the publication of these identical French Letters now before us, ever objected to them, or said so; which it was incumbent on them to have done. The silence therefore of these two persons, who had the originals in their hands, is a clear testimony

testimony to the authenticity of the present French copy, which now stands in place of the original *. That they are vitiated translations, was never pretended by any body, until Mr. Goodall proved them, to a demonstration, to be so. Every body must be sensible, that the concession now made by these gentlemen, would have come with a much better grace, had it been prior to Mr. Goodall's discovery: it therefore becomes incumbent upon the two Historians now, since they give up their own copies, to produce the originals themselves, otherwise the pretended proofs of the Queen's guilt are blown in the air. Mr. Hume will perhaps tell us again, " That
" it is in vain, at this day, to object to the
" Letters, or to call for the originals; they
" were regularly and judicially given in;
" and ought to have been canvassed at the
" time." I heartily agree with him. Had

* We shall by and by see two famous witnesses adduced, who give testimony to the authenticity of the printed French Letters.

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the Queen remained silent at the time when Murray produced his Letters, I think his argument must have been conclusive. But did she remain silent on that occasion? On the contrary, she cried aloud, that her adversaries had produced forged writings against her; she prayed in vain, by repeated supplications, that they might be inspected by her or her friends; and she undertook to prove the forgery. What was the result of all this? The Letters are huddled back in haste to Murray and Morton, and they are sent a-packing to Scotland, with their evidence; so that the Queen to her dying hour never once saw them. What they did with them after that, there is nobody, at this day, can tell. We are told they are lost, and that is the sum of the story. The conclusion from this is left to every impartial person to infer, as he thinks fit.

But now that it is said the original Letters in writing are lost, how is it possible to
make

make good the accusation against the Queen? — By the printed Letters only, which were acquiesced in by the Queen's accusers while they lived. Let it be so. These Letters have now been examined, and are detected to be vitiated and spurious. Any body would be persuaded to think, that here the argument must naturally conclude in favour of the Queen. It is not so, however. We are told, that although the Letters now extant, cannot be said to be either the originals, or copies from the originals, yet they are translations from translations at the third hand. It is difficult to combat with so slippery an antagonist, who shifts his ground every minute, and when one thinks he has him fast, slips through one's fingers. Let us try, if possible, to hold fast this Proteus.

And, in the *first* place, Let us examine the arguments brought by Dr. Robertson

in support of this new, and till now unheard-of hypothesis, That the printed French Letters now before us, are neither the same, nor true copies of the original Letters that were produced by Murray and Morton before Queen Elizabeth.—And, *secondly*, We shall examine his proof, That other original French Letters, besides the present, ever did exist.

The chief authority brought by Dr. Robertson in support of the first branch of his proposition, is from the Preface to the French Letters, in which the Editor says, “ *That he translated these Letters from the Latin.*”

I shall give the whole in the editor’s own words. “ These epistles,” says he, “ had been written by the Queen, part *in French* and part *in the Scotch language*, and afterwards translated *entirely into Latin* ; but as I had no knowledge of the Scotch,

“ I chose

" I chose rather to express *the whole that I found in the Latin* *."

I have already said, that the title-page of this book bears, that it was printed at Edinburgh, the 13th of February, by Thomas Waltam.

I shall now prove by undoubted evidence the whole of this French Preface to consist in a chain of lies, and that it was contrived as a blind to conceal the true place, London, where the Letters were printed; and for what purpose this false story was contrived.

And in the first place, That they were not printed at Edinburgh, is universally acknowledged, and that there never existed a printer at Edinburgh of the above name.

* Les epistres mises sur la fin, avoit été écrites par la Royné, partie en François, partie en Ecoissois, et depuis traduites entierement en Latin; mais n'ayant connaissance de la langue Ecoissoise, j'ay mieux aimer exprimer tout ce que j'ay trouvé en Latin. *Good. vol. i. p. 103.*

This is owned by Dr. Robertson*. Let us now endeavour to strip this English impostor of the French disguise he has chosen to cloak himself under; for which purpose it is necessary to trace back the history of those French Letters.

We have already seen, that, in the year 1571, Buchanan published his libel, called *Detectio Mariæ*, both in the Latin and Scotch languages; to which he subjoined, in the Latin language, a translation of the three first French Letters, and all the eight Letters in the Scotch language.

The very next year, 1572, about the time of the Duke of Norfolk's condemnation, and while a treaty was carrying on between Elizabeth and the King of France,

* "The name of the place, as well as of the printer, is by all parties allowed to be an imposture." *Dissertation*, p. 25.

Let me ask, Why was this imposture used? The question can easily be answered.—To conceal the real publishers, Cecil and the English ministers. Nobody else had reason to use such disguise.

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it was thought proper to publish a translation into French of the *Detection*, with all the Letters; which being said to be originally written by the Queen in French, were surely printed *verbatim* from the originals. To suppose otherwise, that these Letters, printed and published along with the French translation of Buchanan's *Detection*, were translations done into French from the three Letters published by Buchanan in Latin, appears to be quite absurd and incredible. For the original French Letters, after being produced both in Scotland and England, in the years 1567, 1568, 1569, and 1571; the well-known care and industry shewn by Elizabeth and Secretary Cecil, in promulgating every scandal against Queen Mary; and the using for that very purpose, every expedient to give credit to Buchanan's books, as shall be shewn, must have made copies of these identical French Letters very common, and in every body's hands. It is therefore contrary to all hu-

man probability to suppose, that the translator of the *Detection* into French, published in London, or where you will, could not procure a copy of the French Letters themselves, to annex to his book; but was so hard put to it, that he even translated the Letters himself into French from those in Latin published by Buchanan. Yet, improbable as this is, let us suppose it to be the case; still it will not answer. This publisher of the French *Detection* has averred, “ That
 “ he had no knowledge of the Scotch language, and therefore chose to express all
 “ that he found in the Latin.” But Buchanan translated only three of the Letters into Latin; nor was it ever heard, that any more than the three first of the French Letters were translated into Latin: and yet this impostor has the assurance to say, that he translated the whole seven French Letters from the Latin.
 — But to go on; in support of this glaring falsehood, he is necessarily obliged to tell another equally gross, viz. That these Letters

ters had been *wholly translated into Latin* *. From all which it is evident, that the affected disguise and lies of this editor were contrived solely to make us believe, that this book was not printed in London.

But after all this, it may be asked, Wherefore all this contrivance, this studied disguise and imposture? Nobody is at pains to tell lies, or disguise the truth, but for some end or other. This I shall endeavour to account for. As we have seen that the place where his book was printed is studiously concealed, it is only from circumstances that this matter can be found out.

In the year 1571, negotiations between the English and French courts were on foot, touching the Duke of Anjou's proposal for marrying Queen Elizabeth. Mary had always a minister at the French

* Entierement traduites en Latin.

court,

court, soliciting her release from the hands of Elizabeth : and at this very period, her uncle the Duke of Guise, by obliging Colligni to raise the famous siege of Poitiers, was in the height of glory and power at that court *. It therefore became necessary for Elizabeth to defeat those solicitations of Mary, by giving plausible reasons for detaining in prison that princess ; and above all, to expose her conduct to the princes on the continent in the blackest colours †. With regard to the English nation, Elizabeth had sufficiently accomplished the above measure, by publish-

* Hume, vol. ii. p. 531, 532.

† This is not conjecture. The author of *L'Innocence de Marie*, a cotemporary writer, then living in France, expressly says so : mentioning this French edition of the *Detection*, he adds, “ Libelle diffamatoire, envoyé secrètement, et à cachette exposé par la France, contre la Roynie d'Ecosse, et le Duc de Norfolk, lorsque le Roy Très Chrestien, frere et allie de cette princesse, estoit sur le traité d'une ligue avec la Roynie d'Angleterre.” *Jebb, vol. i. p. 425.*

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ing several English editions of Buchanan's *Detection*.

But these books were confined to England. Besides, being in the Latin and Scotch or English languages, in order to answer the present purpose of diffusing the libel against Mary through Europe, it became necessary to have it translated into the French language, then more generally understood upon the continent. Another accident fell out about the same time, which concurred to forward this design.

The Duke of Norfolk having renewed his proposals of marriage to Queen Mary, and joined with her in soliciting the King of Spain to restore her to her own dominions, that whole affair was discovered. The Duke was brought to trial, and condemned for high treason, the 12th January 1572. But as that Nobleman was extremely beloved by all ranks in the kingdom,

dom, and had great connections abroad, it was thought proper to respite his execution till May thereafter: and, in the *interim*, to pave the way, by showing the expediency of it, from his connections with Mary, that dangerous rival! and likewise to expose that Queen, particularly to the court of France, at a time when the treaty between Elizabeth and Charles was in agitation,

The instructions given by Elizabeth to her minister at the court of France, are in these words: “ It were not amiss to have
 “ divers of *Buchanan’s little Latin books* to
 “ present, if need were, to the King, as
 “ from yourself, and to some of the other
 “ noblemen of his Council; *for they will*
 “ *serve to good effect to disgrace her* *.”

For those purposes, the French translation of Buchanan’s *Detection*, with the Let-

* Compare this with Cecil’s declaration in page 161.

ters subjoined, seems to have been made. Had it been only calculated for the meridian of France, and to expose Queen Mary, no more was necessary to be printed than the French *Detection* only, with the original Letters. But what plainly shows that this book was manifestly designed to serve another turn, in *London*, is the book itself †. There is annexed to it a treatise, entitled, “Sommaire de conspirations faites
“ par la Royne d’Ecosse contre la personne
“ et l’état de la Royne d’Angleterre.” This treatise is no other than a libel against the Duke of Norfolk and Mary: and, by its date on the last leaf, appears to have been finished the 13th February 1572, just a month after the Duke’s condemnation.

There is likewise another piece of evidence, which seems to put the matter out

† “For what purpose they happened to be then
“ printed, we are informed by Elizabeth herself and
“ her ministers, in their instructions in the year 1571,
“ to her resident in France.” *Goodall*, vol. i. p. 25.

of

of all doubt, that this book was printed at London. In the above treatise, or *Sommaire*, mentioning persons who had been condemned and executed for treason, instigated, as is alleged, by Mary, it is said, "Entre lesquelles, au commencement de cette année 1572, estoit un Anglois nommé *Matther*,—avec un autre nommé *Barn*." These men, we know for certain, were executed at London on *the 11th of February* 1572, and the book was finished at the printing-house (*achevée d'imprimer le*) *13th of February* that year. It is impossible, therefore, that a book printed anywhere else than in London, of that date, could give an account of executions which happened there only two days before. There is one way to evade the force of this last evidence, by saying, that as the place of printing is disguised, the date may be so too. I can see a good reason for not avowedly printing in London so inflammatory a libel against the first and greatest peer

peer of the realm, a man in such general estimation as the Duke of Norfolk then was, and at so critical a time as when he lay under condemnation. But, supposing the book to have been printed where you will, no manner of reason can be given for imagining the date to be any other than what it bears.

I have been the more particular in endeavouring to show that this book was truly printed in London; because, upon that ground, Mr. Goodall has, to absolute conviction, shown, that the French Letters, as they now stand, are impostures. I shall now examine the arguments used by Dr. Robertson against Mr. Goodall's position*.

We have already stated and obviated one general objection of this author, That as the place of printing this French edition

* Robertson, vol. ii. *Dissertation*, p. 25.

is fictitious, the date may be so too. To prove that it was printed in France, he has produced the testimony of two French writers. The first is Blackwood, who says, “ *Buchanan a depuis adjouſté à ceſte declamation un petit libelle du prétendu mariage du Duc de Norfolk, et de la façon de ſon proces, et le tout envoyé aux freres à la Rochelle, leſquels voyants qu’il pouvoit ſervir à la cauſe, l’ont traduit en François, et iceluy fut imprimée à Edimbourg, c’eſt à dire à la Rochelle, par Thomas Waltem, nom apoſté et fait à plaſſir.*”

The other testimony is the author of *L’Innocence de Marie*, who ſays, the Detection was “ *premierement compoſée par George Buchanan, et depuis traduite en langue Françoisſe par un Huguenot, Poitevin Camuz.*” The Diſſertator ſhould have taken in the whole account which this laſt author gives of the hiſtory of this *Detection*, which I ſhall ſupply : “ *Libelles diffamatoires, eſpars* “ *et*

“ et publiez par tout : nommement un, impri-
 “ mé du 17 Februier 1572, envoyé secrette-
 “ ment, et à cachette exposé, par la France,
 “ contre cette Royne d’Ecosse, & le Duc sus-
 “ nommé, lorsque le Roy Tres-Chrestien, tres
 “ cher frere, & ancien allié de ceste princeffe
 “ captive, estoit sur le traite d’une ligue avec
 “ la Royne d’Angleterre *.” This last testi-

mony seems to be directly against the
 Differtator. The author says, indeed, that
 the *Latin Detecction of Buchanan* was trans-
 lated into French by one Camuz. No-
 body will dispute whether it was so or not ;
 but it says nothing of the place where it
 was printed †. On the other hand, by the
 words “ *envoyé secètement, & exposé par*

* Jebb, vol. i. p. 425.

† Here it is likewise to be observed, that none of
 those French writers, when they mention the *Detecction*,
 ever pretend to say, that the Queen’s Letters were
 translated in France, which indeed is absurd to ima-
 gine, while the French originals could so easily be
 come at.

“ *la France*,” it is plain, that, according to this author, it was not printed there, but was sent thither afterwards, and dispersed through that kingdom, by its concealed publishers. Blackwood, indeed, on account of the disguised title, guesses that it was printed by the Huguenots at Rochelle, to serve their cause. But pray, how could this libel against the Duke of Norfolk, a staunch Protestant, serve the cause of the French Huguenots? I am glad, however, that Dr. Robertson has furnished me with two such good evidences of his own chusing, to ascertain a fact, which I was somewhat suspicious of indeed, but would not venture positively to assert, without very good authority. This fact is, that Buchanan, who was the original author of the *Detectio Mariæ*, and translated the same into the Scotch language, with the addition of the *Letters and Verses*, for the benefit of the two kingdoms of Scotland and England, had likewise

wife a share in this French edition, whether printed at London, or sent to his *brethren a la Rochelle*. Since, therefore, the ingenious Differtator has produced those two witnesses, "whose testimonies" (to use his own words) "must outweigh a flight conjecture," I will be very far from rejecting them. One thing he must allow, however, that their testimonies may be taken as they stand, without rejecting any part of them. This being granted, I will frankly allow the author to take his choice of any side of this question he pleases: that is, whether he truly thinks, the circumstantial evidence, from the authorities I have already recited, proves, that the French edition of the *Detection* and Letters was printed in London; or, *à contra*, if he thinks that the declarations of his French witnesses preponderate, and prove them to have been printed in France. But he has already told us, that the testimony of those Frenchmen outweighs all conjecture;

ture ; they must therefore be relied upon : and they, at least Blackwood, say, it was translated and printed at Rochelle. If that is the case, who furnished them with the materials for this translation ? The same Blackwood says expressly, “ that Buchanan sent the whole to his brethren at “ Rochelle.” Now, if Buchanan sent the whole, as Blackwood affirms, he certainly would send a faithful copy of the original French Letters, which all the world knows he was possessed of : so that there they must have been printed from the genuine French originals, which came directly from the hands of Buchanan. In either case, therefore, whether those French Letters be allowed to have been printed at London, or in France, I think there is clear evidence, that the publisher must have printed them from the originals. If in London, there they were in every body’s hands ; and I have shown that Cecil, Elizabeth’s secretary, directed the affair.

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If in France, the learned Differtator has shown, that Buchanan sent them over to his friends at Rochelle. This fact proves all that I desire. Had our ingenious author, to use his own words to Mr. Goodall, attended to these circumstances, he certainly would have saved his labour, in adducing his French witnesses, to prove a very material fact which overturns his whole hypothesis.

I might here rest the matter ; but as the Differtator has made use of another very ingenious argument to prove his favourite point, of the French Letters being only translations, I must follow him.

“ In the Scotch translation” (says our author) “ there was prefixed to each Letter
“ two or three sentences of the original
“ French, which breaking off with an &c.
“ the Scotch translation of the whole follow-
“ ed.—The French editor” (continues he),

“ observing this, foolishly concluded, that
 “ the Letters had been written partly in
 “ French, partly in Scotch *.”

In answer to this, we have already shown, that nothing can be founded on what this French Editor, or Englishman rather in a French dress, says, from a plain purpose to impose upon us, as Dr. Robertson himself acknowledges †. But to imagine, that he was either ignorant or foolish in this affair, will not easily pass. I shall put a similar case: The English version of the Psalms of David, in the liturgy of the church of England, has, at the head of each psalm, a Latin sentence, which is the beginning of the psalm to which it is prefixed, and serves only for a sort of title to it. Thus the first psalm has these words, “ Beatus vir qui non
 “ abiit.” After which follows the English

* Dissertation, p. 26.

† See the note below, p. 91.

translation

translation of the whole psalm from the beginning. Now, can it be supposed, that any Frenchman, in giving an account of this English version of the Psalms, should tell us, that the version was composed partly in Latin, partly in English? I believe, nobody will think so. The case in hand is precisely the same.

I next proceed to examine and redargue the second branch of Dr. Robertson's position, viz. his arguments to prove, that another original of the French Letters did exist, besides the present printed Letters.

This branch of his argument the learned Doctor endeavours to support, by showing, that, on comparing those few French sentences on the head of the Letters, with those parts of the French Letters that follow them, it will plainly appear, says he, that the sentences, by the spirit and elegance in them, are the only remaining parts of the

P 4

original

original French, as written by the Queen, and what follows them, are only servile translations from the Latin version of Buchanan. To prove this, our learned author gives some few examples. For instance :

The sentence, says he, in the beginning of the first Letter, has these words* : “ *Veu que ce peut un corps sans cœur.* ”—The Latin is, “ *Cum plane perinde essem atque corpus sine corde.* ”

There is a spirit and elegance in the French, says our author, which is not in the Latin. How far the remark is just or not, is scarce worth while to controvert. If there is either spirit or elegance in the sentence, it obviously lies in the thought, not in the words or expression ; in the antithesis of *a body without a heart*, which seems to be as happily expressed by *corpus*

* Goodall, vol. ii. p. 1.

sine

sine corde, as by *corps sans cœur*; whence it is difficult to say which is most original. But I shall make no scruple fairly to acknowledge, that in one or two instances, which he gives from these sentences, there seems to be a happier turn of phrase in the French than in the Latin. But still this only shows, what every man of reading must frequently observe, that the most wretched and dull translation, in some particular sentences scattered through it, may even surpass the original in the turn of a phrase; which may be more owing to the language, than to the translator's merit. And the truth of this proposition may even be shown from the parts of those very French Letters which our author allows to be palpable translations. I shall give a few examples.

I desire our author only to look to the very next paragraph of the first Letter, after his own example.

“ Vint

“ Vint a moy un *gentilhomme* envoyé
 “ par le Conte de Lenos.” The Latin ex-
 presses it thus : “ *Homo boneſto loco natus*
 “ a Comite Leviniaæ ad me venit.”

Letter I. The Queen ſays, “ He wald
 “ very fain that I ſuld lodge in his lodging.”

“ Il defiroit fort, que j'allaffe loger en
 “ ſon hotel.”

How heavily runs this in the Latin !—
 “ Magnopere cupiebat, ut *ego in ejus*
 “ *hoſpitio* apud eum diverterem.”

The King, in excuſing himſelf, is made
 to ſay, “ I am young.”

“ Je ſuis jeune.”

“ Ego ſum adoleſcens.”—This is very
 puerile in the Latin ! and does not convey
 the meaning of the ſentence ; which more
 properly might have been thus : “ Adhuc
 “ juvenis ſum.”

- I be-

I believe it will be readily granted, that, in the above instances, there is a much easier turn of phrase in the French translation, than in the Latin : which proves no more than what is said above, that, in some scattered sentences, a poor and low translation may express the thought better than the original. Mr. Goodall's critical observations on the Letters, are, however, quite of another sort : he has shown, by many instances, that the Scotch are the real originals ; and that the Latin translator, by mistaking some words in the transcribing, from their similarity, has entirely perverted the sense in several passages, such as *byble* for *bylle*, followed by the Latin translator, who makes it *biblia*, and the French, said to be the original of all, following the error of the Latin, translates it *bible* *.

In the same manner the Scotch word *irkit* (i. e. *weary*) has been erroneously,

* Goodall, vol. ii. Appendix, No. 1.

from

from its simlarity, read *nakit*, translated *nudata* in the Latin, and by the French *nue*, after the Latin. Thus in both the above passages, the sense is rendered altogether absurd. But I need not tire the reader with more on this subject; since both our author, and Mr. Hume, the other combatant for the authenticity of the Letters, do plainly acknowledge, that Mr. Goodall has proved the present French Letters to be direct translations from the Latin, which is sufficient for my present purpose*.

I have only one argument more to answer, which is used by Mr. Hume. The present French Letters, he acknowledges, are professedly done from the Latin; no-

* "It is probable" (says the Dissertator, p. 29.), "that Buchanan made his translation, not from the French, but from the Scotch copy. Were it necessary," (continues he) "several proofs of this might be produced."

body

body can dispute, I think, that the Latin is a translation from the Scotch: "But" (says Mr. Hume) "it appears, that the Scotch itself is only a translation from some other French original, which we have now lost." What a strange process have we here! And his proof for all this is, because this Scotch copy of the Letters, says he, abounds with Gallicisms, and French words: such as, "make fault, *faire des fautes*;—make it seem that I believe, *faire semblant de le croire*;—this is my first journey, *c'est ma premiere journee*," &c. From these instances he infers, in a very decisive manner, that the Scotch Letters are not originals, but translations from a French original*.

The answer to this is, That any person conversant with the language and writings

* Hume, vol. ii. p. 499.

in

in Queen Mary's time, and even after that period, will see, that from the long and continued intercourse and connection between the Scotch and French nations at that time, the Scotch language abounded with Gallicisms, and even with French words; some of which, though now almost worn out in our writings, yet remain to this day in our language, especially among the vulgar. Mr. Hume himself, and every other Scotchman, knows well what the vulgar mean by giving a *bonne-allée*, or parting-cup; also, in the same sense, giving one's *foy*.——To give a *bennison*, or blessing, is still a vulgar phrase; and the *beggars bennison* is universally known in Scotland. Old people still give the name of *montre* to a watch; and a *jardelou*, or *gare de l'eau*, I believe, is pretty well understood in Edinburgh even at this very day. I shall also give a few instances from the writings of those times. In the Earls

I

of

of Huntly and Argyle's protestation, Lethington says, "Tak you na care, we fall
" fynd an *moyen* to make her quit of him."

—Queen Mary, in answer to Murray and Morton's accusation against her, says,
"They have *meschantlie* slanderit her." —

Secretary Lethington, confessedly the best Scotch writer of that time, in his letter to Cecil, the English secretary, useth the word *appuy*, for support *. — Sir James Melvil's Memoirs, p. 184. "others of the *finest* of
" them perswaded the regent." By the word *finest*, in this place, is meant the most subtile, cunning, or penetrating genius, from the French words *fin*, subtile, and *un finet*, a cunning or subtile man: a word not known or used in English, either in writing or in common speech, at this day.

— In the very next page of Melvil:
"He desired the accusation to be *rendered*
" up to him again." — And Secretary

* Keith, p. 233.

Cecil

Cecil useth this phrase, "And because it was
"bruited," i. e. rumoured. (See p. 151 *.)

These

* To the above French words, used in the Scotch language, many more may be added. For the sake of curiosity, I have added a list in the Appendix.

The Miscellaneous Remarker on this head joins his aid to Mr. Hume.—"Notwithstanding the popular
"credit," says he, "there is some reason to believe,
*"that as our ancient intercourse with France did not
 "add much to our importance and prosperity, so it did
 "not add twenty words and phrases to our language;
 "at least, such as ever became current in good com-
 "pany."* As for the French words and phrases an-
 ciently adopted into our language, the instances already
 given, and referred to, and what every man acquainted
 with our language can furnish, are sufficient, we ap-
 prehend, to confute the Remarker's assertion. And
 as to the importance we may or may not have de-
 rived from our intercourse with France, it noways
 concerns the present question. At the same time,
 whatever may be the sentiments of the Remarker, it is
 generally believed, that the Scots did derive some pri-
 vileges, not to be despised, and likewise some import-
 ance, from their ancient alliance and intercourse, with
 France, which they do not think so very lightly of as
 the Remarker. As a nation, Scotland, at some periods
 of

These are a few of many instances * that easily occur, which may be sufficient to show

of her intercourse with France, certainly obtained no small degree of glory. And it is believed, that even at this day, there may be some antiquated Scots, who feel an honest pride and elevation of mind, in recollecting the time, when the armies of France, the rival of England, were led on to victory by our Stuarts and Douglasses †—That the palm of victory was disputed by these heroes, with the heroic Henry, the boast of England—That by their valour, the monarchy of France was restored.—The man who poorly, but with vain endeavour, attempts to tear the laurel from the brow of these heroes, has no pretensions to the name of Patriot.

To those heroic days, the Remarker, perhaps, prefers the wretched times, when the honour and independence of his country, together with its unfortunate Sovereign, were basely sold, to the ungenerous, tyrannical Elizabeth, by Murray and Morton, whom he endeavours to defend!

* We may observe too, that some of the Gallicisms he unluckily pitches on, are standard words, and daily used

† John Stuart, Earl of Buchan, son to the Duke of Albany, Regent of Scotland in the minority of King James the First, at the head of seven thousand Scots, anno 1421,

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Q

gave

show Mr. Hume, that Gallicisms and French words abounded in the language, and also in the original Scotch writings in those days, as well as in the Letters he mentions. Whence the inference he is pleased to make, that the Scotch Letters are, for that reason, no originals, but translations

used in the English language; as *journey* is the usual word in England for a day's work of a labourer; *journey-man*, a day-labourer; and *journey-work*, the work of a day-labourer.

gave battle to the Duke of Clarence, brother to King Henry the Fifth, and his Lieutenant in France, at *Baugé* in Anjou, and gained a complete victory over him, in which Clarence was killed, and his brother the Earl of Somerset, with many others, made prisoners.

The same Earl of Buchan, created Constable of France by Charles the Seventh, fell gloriously at the battle of Verneuël, at the head of the French army.

Douglas Earl of Wigton at the same time was created Duke of Touraine and Marischal of France, and he and his heirs were invested in that duchy.

In testimony of their bravery and fidelity, a body of Scots, as the King of France's life-guards, was then established, which still bears the name; and, till lately, was commanded by a Nobleman of Scotland.

from

from some other French originals, must fall to the ground.

But further, as far as I can judge, there appears, in the Scotch copy of the Letters, a spirit, and so happy a turn of phrase, altogether peculiar to that language, and so very different from the languor, baldness of expression, and servility of both the French and Latin copies, that plainly denotes the first to be altogether original in every sense. To show this, I shall take a few phrases from the first Letter only *.

“ A gentleman of the Earl of Lennox
“ came and *made his commendatiouns* to me.”
This phrase is still used in the Scotch language, to signify, he presented his compliments.

“ This speech was *of his awin head*,
“ without ony commiffion.”

* Appendix, No. 1.

Q 2

“ There

“ There is na receipt can serve againis
 “ feir.”——A proverb.

“ He hes ever the teir in his eye.”

“ Fals race—they hae bene at schullis
 “ togidder.”

“ He hes almaiſt ſlane me with his
 “ braith.”

“ Ye have fair going to ſee ſeik folk.”

“ He gave me a check in the quick.”

“ Excuse that thing that is ſcriblit.”

These few examples of proverbial sentences and phrases peculiar to the Scotch language, and to which the French have nothing ſimilar in their language, are ſufficient to ſhow, that this Scotch copy of the Letters, is not only the original of the three copies of the Letters ſtill extant, but that it is not a tranſlation at all, but a true original in every ſenſe. Both Mr.

Hume

Hume and Dr. Robertson have fairly acknowledged, that the Scotch *is the original* of the three copies extant of these Letters; and that Buchanan made his Latin translation from the Scotch. These gentlemen have not been aware of the necessary consequence that must follow this admission; to wit, that Buchanan never could have done so, if he had not certainly known it to have been the true original of these Letters. If, notwithstanding, they maintain, that this Scotch copy may, for all this, be a translation from some other French original, with submission, it is incumbent upon them to produce that original; or, at least, to show us, that there ever existed any other French Letters besides the present copy, and how this other supposed original came to be lost, after being in every body's hands, both in Scotland and England. But this they have not done; therefore their bare assertion must go for nothing.

Q 3

Thus

Thus have I shown, by a fair examination, upon what weak grounds, and at best but conjectures, the new hypothesis of Dr. Robertson and Mr. Hume is founded, to wit, "That the present printed French Letters which we have, are not the same with those that were produced by Murray and Morton, the Queen's accusers." And I have shown the fallacy of every argument brought by those historians in their attempt to prove, that any other original French Letters, besides the present, ever did exist.

To put this question beyond all doubt, I shall conclude, with producing a new witness, who shall even prove what Dr. Robertson requires, "That the French Letters which we now have, are the identical Letters which were produced by Murray;" a witness, too, which the candid Doctor cannot reject, as upon the
very

very same testimony he has rested many important facts against Queen Mary. The witness I mean is no other than the Reverend Mr. *John Knox*.

We know, by a letter from Alexander Hay, Clerk of Murray's Privy Council, of the 13th of February 1571, that John Knox was employed in the beginning of that year, in writing his History, and collecting papers for that purpose. We also know, that at that very time the *Sommaire* against the Duke of Norfolk, together with the French Letters, were published in London: we can have no doubt then, that Knox, soliciting authorities for his History of the times, would procure a copy of those printed French Letters, of Queen Mary to the Earl of Bothwell, so proper for his purpose.—We have the following testimony from himself, of the identity of these Letters:

Q 4

—“ In

——“In a cabinet, or box, Bothwell
 “ had kept the Letters of privacy he had
 “ from the Quene. *By the taking of this*
 “ *cabinet*, many particulars betwixt the
 “ Quene and Bothwell wer clearly disco-
 “ vered. *These Letters wer after printed;*
 “ *they wer in French*, with some sonnets of
 “ hir own making.”——This clear testi-
 mony to the identity of the present French
 Letters, as there never were any other
 French Letters printed, answers the postu-
 latum of the learned Dr. Robertson and Mr.
 Hume; and therefore concludes against
 their hypothesis upon the very principles
 upon which it is built.

I have now gone through this tiresome
 piece of criticism. The necessity of stating
 Mr. Goodall's examination of the Letters,
 the arguments, and objections made to him
 by the two elegant Historians on the other
 side, and of giving some observations of my
 own

own in answer to these objections, will, I hope, be an excuse for me. How far the answer is satisfactory, and the conclusion drawn from it is just, I leave to others to determine.

C H A P. III.

Dr. Robertson's Arguments in support of the Letters; Answers to his Arguments; with an Exposition of the Love-sonnets.

HAVING in the preceding chapter gone through the several objections made to Mr. Goodall's learned and ingenious criticism and detection of the French Letters, we now proceed to examine the arguments in support of the authenticity of these French Letters.

The learned Dr. Robertson, in the Dissertation annexed to his History, having, on his part, made a very accurate examination of the Letters, from thence he concludes, both from the external and internal circum-

circumstances attending them, that they are genuine; it is but justice to exhibit to the reader an abstract of that gentleman's observations *.

The external proofs of the genuineness of Mary's Letters (says the Dissertator) are,

1. Murray, and his adherents, affirmed, upon their word and honour, that the Letters were written with the Queen's own hand.

2. The Letters were produced in the Regent's parliament, and are mentioned in the act against Mary, as the chief argument of her guilt.

3. They were shown privately to the Duke of Norfolk, Earl of Suffex, and Sir Ralph Saddler, Elizabeth's commissioners at York, who considered them as genuine.

* Dissertation, p. 18.

4. They

4. They were, by Elizabeth and her ministers, believed to be genuine: they laid them before the English Council; who, on comparing them with other Letters of Mary, believed them to be genuine.

5. The Earl of Lennox and his Lady believed Mary guilty of the murder.

Next, with regard to the internal proof of the genuineness of these Letters, we may (says Dr. Robertson) observe,

“ 1. That whenever a paper is forged
 “ with a particular intention, the eagerness
 “ of the forger to establish the point in
 “ view, his solicitude to cut off all doubts
 “ and cavils, and to avoid any appearance
 “ of uncertainty, always prompt him to
 “ use expressions the most explicit, and
 “ full to his purpose. No maxim seems to
 “ be more certain than this, That a forger
 “ is often apt to prove too much, but sel-
 “ dom

“ dom falls into the error of proving too
“ little. The point which the Queen’s
“ enemies had to establish was, “ That
“ as the Earl of Bothwell was the chief
“ executor of the horrible and unworthy
“ murder perpetrated, &c. so was she of
“ the foreknowledge, counsel, device, per-
“ suader, and commander of the said mur-
“ der to be done.” But of this there are
“ only imperfect hints, obscure intima-
“ tions, and dark expressions in the Let-
“ ters; which, however convincing evi-
“ dences they might furnish, if found in
“ real Letters, bear no resemblance to that
“ glare and superfluity of evidence which
“ forgeries commonly contain. All the
“ advocates for Mary’s innocence, in her
“ own age, contend, that there is nothing
“ in the Letters which can serve as a proof
“ of her guilt. How ill-advised were
“ Mary’s adversaries to contract so much
“ guilt, and to practise so many artifices,
“ in order to forge Letters, which are so
“ ill-

“ ill-contrived for establishing the conclu-
“ sion they had in view ! Had they been
“ so base as to have had recourse to forgery,
“ is it not natural to think, that they would
“ have produced something more explicit
“ and decisive ?”

“ 2. As it is almost impossible to invent
“ a long narration, consisting of many
“ circumstances, and to connect it, in such
“ a manner, with real facts, that no mark
“ of fraud shall appear ; for this reason,
“ skilful forgers avoid any long detail of
“ circumstances, especially of foreign and
“ superfluous ones ; well knowing, that
“ the more these are multiplied, the more
“ are the chances of detection increased.
“ Now, Mary's Letters, especially the first,
“ are filled with a multiplicity of circum-
“ stances, extremely natural in a real cor-
“ respondence, but altogether foreign to
“ the purpose of the Queen's enemies, and
“ which it would have been perfect folly
“ to

“ to have inserted, if they had been alto-
“ gether imaginary, and without founda-
“ tion.”

“ 3. The truth and reality of several cir-
“ cumstances in the Letters, and these too
“ of no very public nature, are confirmed
“ by undoubted collateral evidence. Let. 1.
“ Good. vol. ii. p. 1. The Queen is said
“ to have met one of Lennox’s gentlemen,
“ and to have some conversation with him.
“ Thomas Crawford, who was the person,
“ appeared before Elizabeth’s commission-
“ ers, and confirmed, upon oath, the truth
“ of this circumstance. He likewise de-
“ clared, that during the Queen’s stay at
“ Glasgow, the King repeated to him, every
“ night, whatever had passed through the
“ day, betwixt her Majesty and him, and
“ that the account given of these conver-
“ sations in the first Letter, is merely the
“ same with what the King communicated
“ to him; Good. vol. ii. p. 245. Accord-
“ ing

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“ ing to the same Letter, there was much
 “ discourse between the King and Queen
 “ concerning Mynto, Hiegait, and Wal-
 “ car; Good. vol. ii. p. 8. 10, 11. What
 “ this might be, was altogether unknown,
 “ till a letter of Mary’s, preserved in the
 “ Scotch college at Paris, and published by
 “ Keith, Preface, p. vii. discovered it to be
 “ an affair of so much importance, as me-
 “ rited all the attention she paid to it at
 “ that time. It appears by a letter from
 “ the French ambassador, that Mary was
 “ subject to a violent pain in her side;
 “ Keith, *ibid.* This circumstance is men-
 “ tioned, Let. ii. p. 30. in a manner so na-
 “ tural, as can scarce belong to any but a
 “ genuine production.”

“ 4. If we shall still think it probable to
 “ suppose, that so many real circumstances
 “ were artfully introduced into the Let-
 “ ters by the forgers, in order to give an
 “ air of authenticity to their production;
 “ it

“ it will be scarce possible to hold the same
“ opinion concerning the following parti-
“ cular. Before the Queen began her first
“ Letter to Bothwell, she, as is usual
“ among those who write long letters, con-
“ cerning a variety of subjects, made *notes*
“ or *memorandums* of the particulars she
“ wished to remember ; but as she sat up
“ writing during a great part of the
“ night, and after her attendants were
“ asleep, her paper failed her, and she
“ continued her Letter upon the same sheet
“ on which she had formerly made her
“ memorandums. This she herself takes
“ notice of, and makes an apology for it:
“ It is late ; I desire never to cease from
“ writing unto you ; yet now, after the
“ kissing of your hands, I will end my
“ Letter. Excuse my evil writing, and
“ read it twice over. “ Excuse *that thing*
“ *that is scriblit, for I had na paper zester-*
“ *day, when I wrait that* of the memo-
“ rial ;” Good. vol. ii. p. 28. These me-

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“ moran-

“ memorandums still appear in the middle of
 “ the Letter ; and what we have said seems
 “ naturally to account for the manner how
 “ they might find their way into a real
 “ letter. It is scarce to be supposed, how-
 “ ever, that any forger would think of
 “ placing memorandums in the middle of
 “ a letter, where, at first sight, they make so
 “ absurd and so unnatural an appearance.
 “ But if any shall still carry their re-
 “ finement so far, as to suppose that the
 “ forgers were so artful as to throw in this
 “ circumstance, in order to preserve the
 “ appearance of genuineness, they must at
 “ least allow, that the Queen’s enemies,
 “ who employed these forgers, could not
 “ be ignorant of the design and meaning
 “ of these short notes and memorandums;
 “ but we find them mistaking them so far,
 “ as to imagine, that they were *the credit*
 “ *of the bearer*, i. e. points concerning
 “ which the Queen had given him verbal
 “ instructions; Good. vol. ii. p. 152. This
 “ they

“ they cannot possibly be ; for the Queen
“ herself writes with so much exactness
“ concerning the different points in the
“ memorandums, that there was no need
“ of giving any *credit* or instructions to the
“ bearer concerning them. The memo-
“ randums are indeed the contents of the
“ Letter.”

“ 5. Mary, mentioning her conversations
“ with the King about the affair of Mynto,
“ Hiegait, &c. says, “ The morne [*i. e.*
“ to-morrow] I will speak to him upon
“ that point ;” and then adds, “ As to the
“ rest of Willie Hiegait’s, he confessit it ;
“ but it was the morne [*i. e.* the morning]
“ efter my cumming or he did it ;” Good.
“ vol. ii. p. 9. This addition, which could
“ not have been made till after the conver-
“ sation happened, seems either to have
“ been inserted by the Queen into the body
“ of the Letter ; or, perhaps, she having
“ written it on the margin, it was taken

R 2

“ thence

“ thence into the text. If we suppose the
 “ Letter to be a real one, and written at
 “ different times, as it plainly bears, this
 “ circumstance appears to be very natural;
 “ but no reason could have induced a
 “ forger to have ventured upon such an
 “ anachronism, for which there was no
 “ necessity.”

Such are the arguments used by the Differtator in support of the genuineness of the Letters; to which I offer the following answers. And, first, with respect to what the Differtator calls his external proof, all his arguments may be thus shortly answered.

That Murray, Morton, and their party, the Queen's accusers, produced certain Letters in their Secret Council *, and Parliament, and

* Dr. Robertson is silent as to the first appearance of the Letters in Murray's Secret Council. The reason is obvious. Then they bore the Queen's subscriptions; these

and afterwards in England, before Queen Elizabeth and her Council, and asserted them to be genuine, we all know: and likewise it must be remembered, that the exhibition and collation of those Letters was made entirely by the accusers themselves, and that upon Mary's asserting them to be forged, and, with the utmost solicitude, supplicating for an inspection of them, her request was refused; and, to stop all further questions, Murray and his associates were directly sent to Scotland, with their Box and Letters, which never afterwards saw the light.

But it is said that the Earl of Lennox and his Lady believed Queen Mary to be guilty of the murder of Lord Darnley. To this it is answered, That the Earl of Lennox appears indeed to have joined the Earl of Murray against the Queen; when these were withdrawn when they next appeared in the Parliament:—a most convincing proof of their falsehood, as we have shewn. See page 82.

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ther in his conscience he believed her to be guilty, is another point. If he really did so, he probably was seduced by his friend Murray, from political views for himself, in which he was successful, as he succeeded Murray in the Regency: to which he having attained, it was not to be expected that he would declare the innocence of the Queen, which would have dethroned his grandson, and lost himself the Regency. As to the Countess of Lennox's believing Queen Mary to be guilty, we have a direct authority to the contrary. Queen Mary, in a letter to the Archbishop of Glasgow, acquaints him thus: "The Countess of Lennox, my
 "mother-in-law, died about a month
 "ago.—This good Lady was, thanks to
 "God, in very good correspondence with
 "me these five or six years by-gone; and
 "has confessed to me, by sundry letters
 "under her hand, which I carefully pre-
 "serve, the injury she did me by the
 "unjust

“ unjust pursuits which she allowed to go
“ out against me in her name, through
“ bad information, but principally, she said,
“ *by the express orders of the Queen of*
“ *England, and the persuasion of her Council;*
“ who took much sollicitude, that she and
“ I might never come to good understand-
“ ing together. But how soon she came
“ to know of my innocence, she desisted
“ from any farther pursuit against me, nay
“ went so far as to refuse her consent to any
“ thing they should act against me in her
“ name*.” Therefore, upon considering
impartially both sides of this argument,
I may safely leave it to the reader to make
the conclusion. I next proceed to consider
the internal proofs of the authenticity of
the Letters.

1. That the eagerness of a forger would
have naturally hurried him on to make the

* See the original, Appendix, N^o VI.

Letters quite explicit with regard to Mary's guilt, of which only dark hints are given in the Letters: whence Lesly, and others of the Queen's friends, have inferred, that the Letters are no proof of the crimes alleged against her.

It is answered, That the observation may hold good in some cases; and, if the Letters in question had been the operation of one single person, it is very possible he might have run into that extreme. But let it be considered, who are the supposed actors in this scene; Murray, Morton, Secretary Leithington, and George Buchanan: a junto which I believe it will be difficult to parallel in any nation or at any time together. Can rashness, or want of capacity, be imputed to such a knot of politicians? Yet let it be supposed, that even they might err, I have already given one instance, where, in all probability, the compilers of the Letters did err, and were hurried on by this eagerness

eagerness so common to forgers*, to wit, in making these Letters, at their very first appearance in the Secret Council, bear the Queen's subscription; but upon cool reflection, *that a subscription to such "foul matter"* would render the whole suspicious, they wisely stifled their first production almost in its birth, and, in every after-appearance of this supposititious foundling, they chose to exhibit him without a name. In this they well enough foresaw there could be no danger. They knew that the contents of the Letters, with their account of the way by which they came into their possession, lame as it was, would answer all the purposes they intended before so well-disposed a judge as Elizabeth.

This we apprehend is a sufficient answer to Dr. Robertson's ingenious observation, when applied to the Letters: but a more particular one shall now be given,

* Pages 82, & seq. of this Inquiry,

which,

which, allowing the Doctor's observation to be in the general well founded, as I think it is, will convince the reader, that in the present case it is totally misapplied.

The Letters, says Dr. Robertson, contain only imperfect hints and obscure intimations with respect to the murder. Let this be granted. As a leading step, however, to the murder, the Confederates accused the Queen of a criminal intercourse with Bothwell: that being once established, the imperfect obscure hints in the Letters, as to the murder, become perfect, clear, and luminous. The adultery is a proof of the murder; it is the key to unfold, to explain, the imperfect hints; and what from the Letters, when taken *per se*, were only presumptions, now become clear proof against her as to the murder. Here we see a plan worthy the genius of Murray, Morton, and Lethington.

Let

Let us see its execution. — In the Queen's silver box, as affirmed by Morton, there were found certain French Sonnets, written with the Queen's own hand, and sent by her to the Earl of Bothwell. This French poem must then be considered in the same view, and of the same contexture, with the Letters, and as combining together to prove the criminal correspondence between the Queen and Bothwell, and consequent murder of the King.

Now, let us see if this written evidence, alleged to be under the Queen's own hand, amounts to no more "than *imperfect hints*, "*obscure intimations*, and *dark expressions*:" — which, according to the learned Doctor, bear no resemblance to that glare and superfluity of evidence which forgeries commonly contain.

To prove the contrary, and that the Sonnets produced by Murray and Morton
against

252 INQUIRY into the EVIDENCE

against the Queen, have those very suspicious features strongly marked on them, and that broad glare of forgery so well described above, I shall go little farther than the very first stanza of this Sonnet.

Certain French Sonnetts, written by the Queen of Scots to Bothwell before his marriage to him, and while her husband lived, &c.

* O Dieux ayez de moy compassion !
Et m'enseigniez quelle preuve certain
Je puis donner, qui ne luy semble vain,
De mon amour et ferme affection.
Helas ! ne'st il pas ja en possession
Du corps, du cœur, qui ne refuse paine,
Ny deshonneur en la vie incertaine,

Offence

* Ye gods have compassion on me !
And show what certain proof
I may give, which may not seem to him vain,
Of my love and fixt affection.
Alas ! is he not already in possession
Of my body, and heart, which refuses neither pain,
Nor dishonour in life,

Offence

Offence de parents, ny pire affliction ?
Pour luy tous mes amis j'estime moins que
rien,

J'ay bazardé pour luy nom et conscience ;
Je veux pour luy au monde renoncer,
Je veux mourir pour luy avancer.
Que reste il plus pour prouver ma constance?

Entre ses mains, et en son plein pouvoir,
Je metz mon filz, mon boneur, et ma vie ;
Mon pais, mes subjettes, mon ame assubjectee.—

Pour luy aussi je jette mainte larmes,
Premier quand il se fist de ce corps possesseur,
&c.

Offence of relations, or the worst of affliction ?
For him I have no regard to friends ;
For him I risk both my fame and conscience ;
I will die to promote him.
What other proofs then can I give of my constancy ?
Into his hands, and in his power,
I have thrown my son, my honour, and my life,
My kingdom, my subjects, my subjected soul.—
For him I poured out many tears,
First when he took possession of my body, &c. &c.
I think

I think I may very safely ask the candid Doctor, and rely upon his own opinion, if in these verses there are only *imperfect hints*, or *obscure expressions* of the Queen's criminal love? Could the most abandoned of the sex have expressed herself in plainer terms, or in coarser expression, than the author of these low verses has done? Let me likewise ask, Do none of those suspicious marks, which the Doctor rightly says are ordinary indications of a forgery, appear in them; "that eagerness and solicitude which always," says he, "prompts the forger to avoid any appearance of uncertainty, and to use expressions the most explicit and full for his purpose?" The point in view was, to prove, beyond all doubt, by the Queen's own confession, her guilty amour with Bothwell. And has not this forger actually done so? Can any thing exceed the eagerness which hurries him on to show, in the very fifth line of his

his work, the main drift of his whole performance?

“ Alas ! is not Bothwell in possession of my body ?

“ Have I not thrown my son, my honour, my life into his hands ?

“ My kingdom, my subjects, my soul subjected to him.

“ What tears have I shed since he possessed himself of my body ?”——

How rank does this smell !—Well might Brantome * and Ronfard, who had often seen and extolled the beauty and elegance of several of Mary’s compositions, declare, that

* “ Elle composoit de vers, dont j’en ay veu aucun de beaux et tres bien faits, et nullement ressemblant a ceux qu’on lui a mis sus avoir fait sur l’amour du Comte de Bothuel. Ils son trop grossiers et mal polis pour etre sortis d’elle.” *Brantome, vol. i.*

That the Reader may judge for himself on a comparison, we give from Brantome the following stanzas of an Elogy made by Queen Mary on the death of her husband King Francis II.

§ 1.

that those French Sonnets could not be hers! I own I cannot forbear expressing my amazement, that two such elegant writers, and judges of writing, as Dr. Robertson and Mr. Hume, should ever have been

§ 1.

Ce que m'effoit plaifant
Ores m'est peine dure,
Le jour le plus luisant
M'est nuit noire et obscure,
Et n'est rien si exquis
Qui de moy soit requis.

§ 2.

Pour mon mal eſtranger
Je ne m'arrete en place,
Mais j'en ay beau changer
Si ma douleur n'efface,
Car mon pis, et mon mieux,
Sont les plus deferts lieux.

§ 3.

Si en quelque ſejour
Soit en bois, ou en pré,
Soit vers l'aube de jour
Ou ſoit ſur la veſprée,
Sans ceſſe mon cœur ſent
Le regret dun abſent.

§ 4.

been imposed upon by so coarse and palpable an imposture.

I have been thus full in the discussion of the above general observation of Dr. Robertson, which is fine and sensible, as it naturally

§ 4.

Si par fois vers les cieux
Viens adresser ma vue,
Le doux trait de ses yeux
Je vois en une nue,
Soudain le voys en l'eau
Comme dans son tombeau *.

§ 5.

Si je suis en repos
Sommeillant sur ma couche
J'oy qui me tient propos
Je le sens qui me touche,
En labeur en recoy
Toujours est près demoy.

* In illustration of this stanza, it may be proper to observe, that in Queen Mary's time, and at this day, embellished fountains and canals were the chief ornaments of gardens in France. Every palace was ornamented with a piece of water. *L. Elibank.*

naturally led me likewise to the detection of another false witness against Queen Mary; in tracing of whom, I have taken Dr. Robertson

§ 6.

Mets chanson ici fin,
 A si triste complainte,
 Dont fera le refrain,
 ' Amour vraye, et non feinte,
 ' Pour la separation
 ' N'aura diminution.'

Lord Hailes seems to have a mean opinion of Queen Mary's poetry. He quotes the 4th stanza with this remark; " This I suppose is what Brantome reckoned "*beau et gentil*." And on the last stanza he remarks, " This may serve to shew what sort of poetry it was " which Mary indeed wrote."

I am loth to dissent from the opinion of so able a critic. But in a matter of mere taste, of which I know no fixed standard, every one is at liberty to judge of what pleases himself. In my humble opinion, the poem taken altogether is a fine composition. Ronfard, one of the first poets of that age, thought it so. The thoughts are natural, and simple, well connected, and elegantly expressed. The 4th stanza appears to me, particularly, to be beautiful, and poetical.

The

bertson for my guide, and by holding up
the torch which he has furnished me with
to the countenance of the disguised author
of

The Queen in the first days of grief, on the loss of
her young husband, is supposed to indulge her melan-
choly by the side of a fountain in the gardens of one
of the royal palaces in France. If I may be allowed
to paraphrase this poem, it may run thus.—I find,
says the Queen, every object that surrounds me, now
changed;

§ 1.

What formerly was pleasant to my eyes
Now gives me pain.
The brightest day,
To me, seems dark and obscure night.
For the most exquisite delights
I now have neither relish or desire.

§ 2.

As a relief, for my singular misfortune
I wander from place to place ;
But 'tis in vain to think of change,
Which effaces not my grief ;
For scenes which formerly gave me delight
Are now become frightful solitudes to me.

§ 3.

If in some solitary retreat
Amidst the wood, or in the plain ;

of this French poem, I have shown that
he truly bears the identical glaring features

Whether in the morning's dawn,
Or in the evening's shade,
Still my heart feels its irreparable loss.

§ 4.

If I lift my eyes to heaven,
I figure to myself his sweet features
In the clouds;
Soon casting my eyes
On the wat'ry scene below,
I see him, as in his grave.

§ 5.

When I lay myself to rest,
If slumbering on my couch,
I think I hear his sweet voice
In conversation with me,
I dream as if I felt him by my side.
Restless, or at ease,
He still is present with me.

§ 6.

Here let me put an end
To my sad complaint,
Of which the theme shall be,
' Sincere and unfeigned love
' Shall never by separation
' Suffer any diminution.'

by which the Doctor has justly described and distinguished a forger*.

I now proceed to consider the other arguments laid down by the Dissertator, in their course.

It is not like the Doctor's usual candour to use an argument from the mouths of Queen Mary's friends against herself, as if they had pleaded that the Letters were not conclusive. If any of her advocates have used weak or fallacious arguments in her defence, can these be fairly used to her prejudice? It is impossible, that the most innocent of mortals could treat any indignity offered them with greater detestation and resentment, than the Queen herself

* As these French Sonnets were also produced by Morton, and alleged to be found in the same Box with the Letters, therefore the same objections already made with respect to their first appearance in his hands, applies with equal force to the Sonnets, and need not be here repeated.

has done Murray's accusation, in all her letters to Elizabeth, and to her own commissioners, laid before the English council. Her cause, therefore, cannot with candour suffer on that account.

Second and third arguments, That the Letters contain many natural, but foreign and superfluous circumstances; and the truth of the circumstances mentioned therein, is proved by other collateral evidence,

To this I answer, Let us, on the supposition of forgery, consider the plan that the authors of the Letters must be supposed to have followed in their work. They were to write Letters, as from the Queen at Glasgow, to her paramour, Bothwell, in Edinburgh, which, by certain passages in them, should indicate a criminal correspondence between the Queen and Bothwell; and these, to give the greater colour
of

of truth, were to be interwoven with certain other incidents relating to herself and other persons and occurrences that really happened while the Queen was at Glasgow. The first thing to be done in prosecution of this plan, must surely have been, to get good information of the Queen's situation at that time, of what persons were about her, and what occurrences then happened in her presence. For compassing all this they could be under no difficulty. Murray, Morton, and Lethington, were all of them at that time in the Queen's confidence; Lethington was her secretary; none of them therefore could be ignorant that she, at that time, was affected with *a pain in her side*. Besides, as the Earl of Lennox's people were then in the house about the King's person, particularly Thomas Crawford, the person mentioned in the first Letter, they must have known every thing that happened to the Queen, or in her company, at Glasgow, only a few months before. This Craw-

ford * was brought before the English commissioners, as a witness for the truth of some of those circumstances mentioned in the Letters; which probably were all very true, as his declaration as to those circumstances might also be; and yet can be no evidence that the Letters were not forged. For it is not to be doubted, that this Crawford, who was placed by the Earl of Lennox as a spy upon the Queen during her stay with the King at Glasgow, would faithfully relate all that passed to his master Lennox. The contrivers of the Letters, then, could not possibly fall upon an abler person than this very Crawford, to inform them of those occurrences

* This noted person appears, on other occasions, to have been a very useful tool of Murray. — In the year 1569, he was underhand made use of by him to accuse Secretary Lethington, as accessory to the King's murder; when Murray at that time had become jealous of Lethington, as suspecting him of being in the Queen's interest, and therefore wanted to get rid of him. *Vide Crawford's Memoirs, p. 134.*

and

and conversations, and afterwards to give testimony to the truth of his own narrative.

On this head, however, I must observe, that perhaps a more just and well-founded ground of suspicion cannot arise, than from an over-exact and minute concurrence of witnesses in every particular: Such precise agreement must always appear to be studied, and presupposes a collusion. —To apply this to Crawford's testimony in the case before us:

The Queen, we see, in her first Letter, is made to recite to Bothwell, according to her remembrance, what passed in several conversations between her and the King at Glasgow *. The King, according to Crawford's testimony, we must suppose, did most minutely repeat every circumstance of those very conversations to Crawford, agreeing exactly with what the Queen had by herself written in her Letter to Bothwell.

* Appendix, N^o I.

And,

And, lastly, we must again suppose this Crawford to have been endued with so happy a memory, that at the distance of two years, he could recollect every particular in these conversations, and give his oath to the verity of them. But, as a help to his memory, and to remove suspicion on that account, Crawford has said, that, to the intent he might report the conversations again to his master Lennox, he did immediately write the same, word for word *. Let me ask, why this exactness, to write down what he could tell Lennox, who was himself at Glasgow, by word of mouth, the next minute? And for what end did he keep these writings by him after he had told them to Lennox? From inspiration or foresight, no doubt, that some years after he was to be called upon to relate over again these conversations before Queen Elizabeth and her council, to

* Anderson, vol. iv. part ii. p. 169. Goodall, vol. ii. p. 246.

give

give faith to Letters, of whose future existence, at the time that he set down his notes, there was not a probability. These observations, in my apprehension, must justly render this noted person's testimony extremely suspicious and improbable. But, on the whole, let his evidence be allowed to be strictly true, still, for the reasons given, it can be no proof that the Letters were not spurious.

On this article the Dissertator has unfolded a mighty mystery, in the affair mentioned so often by the Queen in the first Letter, concerning Mynto, Hiegait, and Walcar, which the Dissertator is pleased to say was *altogether unknown*, till a letter of the Queen's to the Archbishop of Glasgow, published by Keith, discovered it to be an affair of importance.

It appears indeed by the Queen's letter to the Archbishop, that this affair was truly
a matter

a matter of great importance; but that it was *altogether unknown*, until discovered by a letter published by Mr. Keith, is directly contrary to the very words of the Letter in question. The Queen thus writes to the Bishop: “A servant of zouris, “ William Walcar, came to our presens— “ at Sterveling, and—declarit to us, how “ it was—*opinly bruited*,—that the King, “ by the assistance of sum of our nobility, “ suld tak the Prince our sone, and crowne “ him; and, being crownit, his fader “ suld take upon him the government:— “ that Walcar being pressit, he nominated “ William Hiegait, als wa zour servant, “ for his cheif author.—Quhairupon we “ tuke occasion, with diligence, to send “ for Hiegait; quha being *inquirit in our “ counsell*, of his communication had with “ Walcar, he denyit, as well apairt, as be- “ ing confronted togidder;—onlie he con- “ fessit,

“ fessit, that he hard of a *bruit* how the
“ King suld be put in ward *.”

This Letter from the Queen is dated the 20th of January 1567, a day or two before she is said to have gone to Glasgow.— Now, as we see this story was *openly spread abroad* before it had come to the Queen's ears; and that she had ordered these two men, the supposed authors, to be *examined before her Council*, of which Murray, Morton, and Secretary Lethington, were members at that time, and therefore must have known every circumstance relating to it; the contrivers of the Letters, therefore, could not have fallen upon an incident that was *so well known* at that time as this story of Walcar and Hiegait, which had made so much noise as to be taken notice of by the Queen's Privy Council.

This is the mighty secret, of which the Dissertator, at the distance of two hundred

* Keith, Preface, p. 7, 8.

years,

years, assumes to himself the discovery! But we shall soon see a still more curious instance of this Author's ingenuity, in explaining a passage of the Letters, which he tells us had fairly escaped the penetration of Murray, and his assistants, Lethington and Buchanan, viz.

His fourth argument, as to the notes and memorandums in the middle of the first Letter.

The ingenious Differtator looks upon the following discovery as an unanswerable proof of the genuineness of the Letters: The Queen is made to say, "Excuse *that* "*thing* that is scriblit; I had na paper "zesterday when I writ *that* of the *me-* "*morial.*" For lack of paper, then, says my Author, she was obliged to continue her Letter on a separate paper, upon which she had previously written her notes and memorandums; which is a circumstance,

says he, that no forger could possibly have thought of.

I own this observation is ingenious, and shows with what attention the Differtator has scrutinized this affair. But still I cannot allow him to be more clear-sighted in this matter than his friends Murray, Morton, Secretary Lethington, and Buchanan, whose talents for conducting so dark an affair, I am of opinion, could not be exceeded by any person. To make out his argument, therefore, we must believe, as the Differtator tells us, that the above four sage politicians, who were possessed of the Letters, and knew every circumstance that is mentioned in them, or relating to them, and so recent as within a few months of their supposed date, were so utterly ignorant of their contents, as to make a blunder in explaining their meaning to the commissioners at York, which this ingenious gentleman, at the distance
of

of two hundred years, has now discovered, and set to rights. This is rather too much to be granted to him upon a bare conjecture.

The Queen is made to refer Bothwell to the *bearer* of the Letter, for full information as to several things which she had not time or intention to write fully of. “Up-
“on this point” (says she) “the bearer will
“shew you many small things.” Again,
“This bearer will tell you the rest;
“and gif I learn ony thing hier, I will
“make you *memorial* at even *.” The Letter is made to be written at different times, in the space of two days: and, at the conclusion of each night’s writing, there is added a few notes, which are professedly a summary of the preceding heads of the Letter; and, at the end of this Letter, the Queen is made to say, “Excuse *that thing*
“that is scriblit, for I had na paper zester-

* Appendix, N^o I.

“ day

“ day when I wrait *that* of the *memorial*.”

I ask the Reader now, if, consistently with common language and grammar; the expressions, “ *that thing* that is scriblit,”— and “ *that* of the memorial,” can be with any sort of propriety applied to any part of the very Letter which she then continued to write? The word *that*, in plain language, refers to a separate paper: nor is it possible to apply it to any other memorial, than that of the “ many small things,” concerning which she referred Bothwell to the bearer, to explain to him fully. This is the plain sense of the words themselves; and in this sense have Lethington and Buchanan explained them, in their conference with the English commissioners at York. The *memorial* there meant, “ is in the credit” (say they) “ given to Paris the bearer *.” Can words be more positive than this? But, says our Author, these gentlemen were in a

* Paper-office, Goodall, vol. ii. p. 152.

mistake as to this, and understood nothing of the matter ; for now I have discovered, *that scribbled writing*, called the memorial, was no other than a part of her very Letter, on which she had previously made some memorandums, but was now forced to scribble her Letter upon it, for want of paper. If we can possibly suppose that to have been the case, all this scribbling upon a paper already blotted with notes and memorandums, must undoubtedly have appeared upon the face of the Letter itself ; in which case it is impossible to suppose, that Lethington and Buchanan, who saw, and had in their hand at the very time, the original, could have mistaken the sense of this passage in the Letter. In short, the whole of this new observation is mere conjecture and conceit, not only unsupported by any evidence, but in direct contradiction to the express and natural sense of this passage, given us by Lethington and Buchanan themselves ; who, after all, will, at least,

be allowed to have been more intimately acquainted with the contents, and to have understood their meaning better, than even the ingenious Differtator.

Upon this passage of the memorandums, Mr. Hume makes a very strange observation: "In this Letter," (says he) "which she penned late at night, her paper failed her, and she takes down a memorandum of what she intended to add next morning; *and it is added accordingly.* A circumstance" (continues he) "not likely to occur to a forger*." In answer to this, I only desire the Reader to look into that part of the Letter which follows this memorandum, in which there is *not one word that has relation to these memorandums*, except the last respecting Livingston †.

* Hume, vol. ii. p. 498.

† Mr. Hume, sensible of having no ground for the above assertion, has dropped this passage in the second edition of his History.

I shall now, in my turn, make one observation from the Letter itself, as it stands.

This Letter appears to have been the subject of two nights' writing; at the end of the first night, the Queen is made to say, she is going to bed, "yet I cease not to "scribe all the remains of the paper." Then follows a short note of the heads of what she had written. The night after, when she comes to the very close of the Letter, there are added likewise a few notes, or memorandums, such as, "Remember "you of the purpose of Lady Reres," &c. All which is natural. Now if, according to this discovery of the Dissertator, she was obliged to write part of the Letter upon her paper of notes, which she had kept for marking down what occurred; by what strange accident came it to pass, that this paper of notes came to be so luckily divided, as that one half of these notes falls
so

so very *a propos*, as to make an exact summary of the preceding part of the Letter, and no more? After which the Letter proceeds to the end, when again, a few other notes are as naturally introduced, and with which this Letter concludes. From all which, I think it is pretty plain, that these notes were always meant to pass for what at present they appear to be, a part of the Letter itself.

Such are the proofs, by the external and internal evidence, which the Differtator has produced, and from which he has concluded, that the Letters are genuine. That his observations are more ingenious than solid, I have attempted to show, by a natural explanation, drawn from themselves, and the account given of them by Murray, Lethington, and Buchanan, at the time when the whole affair was recent, and when these persons had the original Letters themselves in their hands: their

T 3

positive

positive authority, therefore, must outweigh all modern vague conjectures, however fanciful and ingenious.

I shall conclude this piece of criticism, by laying before the Public a new proof of the forgery of the Letters, from collateral evidence, which, as far as I know, has not hitherto been taken notice of;—from evidence to which no objection can be opposed, as it comes directly from the hands of Murray and his confederates, as exhibited by them before Queen Elizabeth, though cautiously kept up from Queen Mary.

Before opening the argument, I desire the Reader to have in his eye the three first papers in the Appendix, *viz.*

N^o I. The Queen's Letter to Bothwell from Glasgow.

N^o II. Part of Nicholas Hubert's confession with regard to that Letter; and

N^o

N° III. Murray's Journal or Diary
concerning the Queen while at Glasgow.

These writings, as counterparts of each other, being brought together and examined, directly oppose and overturn the facts as to the Queen and Bothwell mentioned in the Letter: and amount to a convincing proof of the forgery of it, and also of Paris's confession. Which is submitted to the Public as follows:

The Letter, said to have been written by the Queen at Glasgow, plainly appears to be the work of two days.

According to the Journal, the Queen came to Glasgow upon the 23d day of January. Her first Letter, therefore, was at soonest ended upon the 24th, late at night.

Paris's confession says, that after he had been two days at Glasgow with the Queen,

she delivered to him her Letter, with orders to carry it to the Earl of Bothwell, then at Edinburgh.

Thus far the above three writings agree.

By the Letter, and likewise by the confession, it is plain, that Paris, at soonest, could only have arrived at Edinburgh on the evening of the 25th, when he says in his confession, that he delivered to Bothwell himself the Queen's Letter.

On the 26th, according to the same confession, he attended Bothwell all that day, until after dinner, when he received from him his answer to the Queen's Letter, after which he set out for Glasgow. And,

On the 27th, the King and Queen having set out from Glasgow in their return towards Edinburgh, Paris met them on the road.

The

The whole of this story, of Paris's interview with Bothwell at Edinburgh, and delivering him the pretended Letter from the Queen, is false, and is disproved in the clearest manner by the Earl of Murray's Journal. According to the Journal, "Bothwell, on the 24th at night, took journey towards Liddisdale, and on the 28th of the same month came back from Liddisdale towards Edinburgh." So that here we have it proved, that Bothwell was in Liddisdale from the 24th to the 28th of January, therefore he could not have been in Edinburgh on the 25th and 26th, as Paris is made to confess, nor could he receive or make answer to this Letter of the Queen, with which Paris had been sent to him.

This Journal likewise overturns the above Letter pretended to have been written by the Queen to Bothwell.

If we suppose that the Queen and Bothwell were truly carrying on this correspondence

ence for destroying the King, which was to take place on her bringing him with her to Edinburgh, can it be at the same time supposed, that the Queen, who had parted with Bothwell at Calendar on the 23d of January, should be so utterly ignorant of his motions, as to write to him the above Letter, or *Bylle* as it is called in the Journal, on the 24th, and send it by an express to him, as believing him at Edinburgh on the 25th and 26th, when he was at that time in Liddisdale on the English border? And yet this we must believe, if the Letter and Journal are both true.

The Queen, in the Letter, writes thus to Bothwell: "Send me advertisement
 " quhat I fall do,—and I fall obey zow;
 " —advertise me gif ze will have mair
 " silver, and when I fall return, and how
 " far I may speik;—wryte unto me, and
 " that verray oft." This shews, that the Queen was ignorant of Bothwell's being,
 at

at the time of her writing, in Liddisdale.

It will no doubt be said, in answer to this, that an error in the date of Bothwell's departure from Edinburgh on the 24th, may have crept into the Journal: but I apprehend this is no good answer; and if we consider the matter, we shall soon be convinced, that even this supposition is not sufficient to reconcile the inconsistency. In the first place we must remember, that all the above three evidences come from the hands of the Queen's enemies. So that in a writing, which has been exhibited near two hundred years ago, as proof of the accusation against her, they cannot at this day be allowed to plead or suppose errors or mistakes in their own favour. 2dly, This is not the common case of an error in date, which in any ordinary writing may, and sometimes has happened by inadvertency of the writer. But a wrong date in a diary or journal is of a quite different

ferent nature ; an error in the date of one day in a journal, which proceeds progressively from day to day, and recites the transactions of each day as it passes, must run through the whole journal. *3dly*, We must in the present case suppose, not only an error in the day of Bothwell's departure, but likewise in the day of his return from Liddisdale to Edinburgh. We cannot suppose him to set out on this journey any day before the 24th, mentioned in the Journal, because it is agreed on all hands, that he parted with the Queen at the Lord Livingston's house at Calendar on the 23^d of January, and came that night to Edinburgh. And as Paris swears, that he was with him there on the afternoon of the 26th, it was scarce possible for him to perform his journey to Liddisdale and return again to Edinburgh on the 28th, a journey of above one hundred Scotch miles, through the worst of roads, over a wild and mountainous country, and in the winter

ter season. If Bothwell then made this journey at all, it must have been between the 24th and 28th of January, as the Journal has rightly placed it. Therefore, not only Hubert's confession, which positively asserts that Bothwell was then in Edinburgh, but also the above Letter from the Queen to him, as supposing him to have been in Edinburgh at this time, are false and spurious.

C H A P. IV.

*Examination of French Paris's Confession ;
and Proof of its Forgery.*

THERE remains still to be considered another piece of evidence against Queen Mary ; that is, the confession of Nicholas Hubert, commonly called *French Paris*, servant to the Earl of Bothwell, and mentioned by name in the Letters, as the bearer of them from the Queen to Bothwell. This Hubert is the only person who, from his own knowledge, pretended to accuse the Queen. His confession, of the 10th of August 1569, expressly charges her with being in the knowledge of the King's murder. This has generally been looked upon as the strongest and most direct.

direct piece of evidence against Queen Mary.

In order to give a distinct view, by itself, of this testimony, it is necessary to recapitulate some part of the foregoing narrative, which is connected with the story of this Frenchman.

In June 1567, on the Earl of Bothwell's flying from Scotland, his servants, Dalglish, Hay, Hepburn, and Powrie, were all made prisoners, and publicly tried before the High Court of Justiciary at Edinburgh. They were all condemned, and executed, on their own confessions, as accessory to the King's murder; and with their dying breath they vindicated the Queen from any accession to their crime*.

As

* The evidence of this is unquestionable, no less than the affirmation of nineteen of the first peers in the Kingdom, eight Bishops, and eight Abbots, present in Scotland at the very time, viz.

“ The

As for this Frenchman, Paris, at what precise time he was seized, is not mentioned by any of the Historians. All that appears is,

“ The Erlis of Huntlie, Argile, Crawford, Eglington, Caffils, Rothies, Errol.

“ Lordis, Ogilvie, Fleming, Sommerville, Boyd, Levingston, Sanquhar, Zester, Herreis, Oliphant; Drummond, Salton, Maxwell.

“ Bishoppis, Saint-Androis, Dunkeld, Aberdene, Ross, Galloway, Brechin, Argile, Illis.

“ Abbottis, Jedburgh, Kinlofs, St. Colme, Glenculce, Fern, New-Abbey, Haly-wood, Lyndoris.”

In the instructions and articles to Queen Mary's commissioners, signed by the above personages, at Dunbarton, the 12th day of September 1568, their words are, mentioning the above convicts, “ As was deponit be thame quha sufferit deid thairfoir; quha declarit, *at all times*, the Quene our Sovereign to be innocent thairrof.” *Cotton Lib. Goodall, vol. ii. p. 359.*

Leslie Bishop of Ross, in his defence of Queen Mary's honour, addressing the following paragraph to Murray and his faction, says, “ We can tel you, that John Hays of Galoway, that Powry, that Douglish, and, last of al, that Paris, al being put to death
“ for

that a few months after Murray had withdrawn from the conferences, and returned to Scotland, Paris was brought to trial, and hanged by him at St. Andrew's, in the beginning of August following *.

Let

“ for this crime, toke God to recorde, at the time of
“ their death, that this murther was by your counsaile,
“ invention, and drift, committed; who also declarit,
“ that they never knew the Queen to be participant or
“ ware thereof.” *Anderson, vol. i. part ii. p. 76.*

* In the former edition, it is said, on the authority of Keith, that Paris had lain in prison all the time that the conferences were going on at Westminster. Candour obliges me to correct this mistake. Keith, whose authority is very respectable, is here however in a mistake.

Paris, after Darnley's murder, fled, and absconded. He was attainted by Parliament, and is comprehended by name, with the Earl of Bothwell, the Laird of Ormiston, and others, who had fled with him, in the act of attainder, dated 20th December 1567. He could not therefore have been a prisoner at that time.— Murray, we know, arrived in Scotland in the month of February 1569; and Paris was hanged in August

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following:

Let us trace Murray's conduct with regard to this Frenchman Paris.

From the Journal of the conferences it appears, that Murray and his associates "gat licence to depart for Scotland, 12th January 1569." On this, Queen Mary remonstrated against allowing them to withdraw, "*not abiding the tryall and proof that was offered to proue them guilty of the Jamen crime,*" the King's murder. The answer made to this was, "That the Earle of Murray *has promist*, for himself and his cumpanie, *to return again whensoever hir Majestie (Elizabeth) shuld call for him *.*" Thus we see Murray, with the help of his good friend Elizabeth, eludes the proof that Mary intended to adduce

following: he must therefore have been a prisoner either at the time, or soon after Murray's coming to Scotland, during which interval, it would require time to collect evidence, for bringing him to trial in August following.

* Goodall, vol. ii. p. 312.

against

against him and his associates, of Lord Darnley's murder, by their retreat to Scotland.

We have already seen the conduct of these confederates, in avoiding to examine Dalglish, or Morton's servants, who apprehended him, with the fatal Box and Letters, the only evidences of Queen Mary's guilt; there still remained, however, this other witness, French Paris, mentioned by name in the Letters as the bearer of them from the Queen to Bothwell. Nothing could have happened more fortunate for them; this person falls into Murray's hands on his return from the conferences.

Let us consider his conduct on this important occasion.

He stands publicly accused by Queen Mary of Darnley's murder; she offers to
U 2 bring

bring a full proof against him by a fair trial before Queen Elizabeth and her Council. How does he defend himself against this challenge, given him in the face of the world? He begs license to depart for Scotland, and promises to return. Would innocence have acted in this manner? Let us follow him to Scotland. Here fortune throws into his hands, the only person who, if Murray was really innocent, could have cleared him, by satisfying every mortal of the Queen's guilt. Could there have happened a more fortunate event than this to Murray, a man lying under the load of a criminal accusation—of being an accomplice in the murder of his Sovereign? Let us see what course Murray takes to wipe off this foul aspersions; and to avoid all suspicion of practising upon a poor ignorant friendless creature then in his hands, to mould him to his purpose. Does he return to London as he had promised? or does he send Paris there, to be examined before the Eng-

lish

lish Council, as his other witnesses Crawford and Nelson had been? Does he even venture to produce him before his own Privy Council at Edinburgh, to be questioned there? Or, lastly, does he bring him to a public trial, in the ordinary form of justice before the High Court of Justiciary, at Edinburgh, as was allowed to Dalglish, and the other servants of Bothwell? No! As to these last, the experiment had not at all succeeded. In spite of torture, they had, with their dying breath, spoke out the truth, and acquitted the Queen*. This man, Paris, was the last card Murray had to play; a new method, therefore, must be followed with respect to him. He was secreted from public view, in an obscure dungeon in Murray's citadel of St. Andrew's, and at last condemned by the Earl of Murray himself, in a manner nobody knows how: and, several months after his death, a confession in his name,

• Vide p. 287.

U 3

taken

taken *clandestinely*, without mentioning any person who was present when it was made by Paris, is privately sent up to London, and given in to Cecil, after all the conferences were over, accusing the Queen in the blackest terms, and extolling the Earl of Murray to the skies. And to crown the whole, this precious piece of evidence is kept a *profound secret* from the Queen and her friends, who, as we shall by and by prove, *never once saw or heard of this confession*.—Where facts thus speak aloud, reflections are needless.

All that remains of this poor creature, are two confessions, one on the 9th, and the other on the 10th of August 1569. The first, said to be the original, and marked on some of the leaves with the initial letters of his name, thus, N, is still extant in the Cotton Library*. This confession loads Bothwell with the murder, but men-

* Goodall, vol. i. p. 145.

tions

tions nothing of the Queen or the Letters. The other confession, of the 10th of August, expressly charges the Queen as accessory to the whole. Of this last we have a copy, attested by Alexander Hay, notary, and Clerk to Murray's Privy Council *; and which, we see by an authentic paper, was sent to London by Murray in October 1569, as a further proof of his accusation against the Queen, after all the conferences were over †.

That these confessions were kept secret, and never shown to Mary, is certain from the following circumstances. .

The only cotemporary writers who mention the condemnation and death of this Frenchman, are Lesly Bishop of Ross, and

* Anderson, vol. ii. p. 192. Goodall, vol. ii. p. 76.

† Cotton Lib. C. 1. fol. 326. Anderson's general Preface, p. 19. Goodall, vol. ii. p. 84.

the author of the Manuscript History of Scotland, during the reign of Queen Mary and the four Regents, Murray, Lennox, Mar, and Morton, published by Crawford, Historiographer to Queen Anne. This last Author, who was at that time a living witness, mentions the condemnation of Paris in these words: "The Regent (Murray) "proceeded from Stirling to St. Andrew's; "where Nicknavin, for sorcery, was burnt; "and *Paris*, a Frenchman, was hanged "for the murder of the late King, *though* "*he denied the fact* *."

Lesly, the other cotemporary writer who mentions this Frenchman, was, as we have seen, one of Mary's commissioners, and at that time in the character of her ambassador at London. He drew up an apology, intituled, "A Defence of the Honour "of Queen Mary," which was printed at

* Crawford's Memoirs, p. 127.

London

London in the end of the year 1569, soon, after the execution of Paris *.

The Bishop, in mentioning this man, uses the following words: "As for him
" that ye *surmise* was the bearer of the Let-
" ters, and whome you have executed of
" late for the said murther, he, at the time
" of his said execution, took it upon his
" death, as he should answere before God,
" that he never carried any such Letters,
" nor that the Queene was participant, nor
" of counsaile, in the cause †." From the
words, "the person whom ye *surmise* was
" the bearer," it is plain, that neither the
Queen nor Lesly had either seen or heard

* So Anderson says, who had seen a copy of this first edition; and, it is plain, it must have been at least some time before the death of the Earl of Murray, which happened on the 23d January 1569-70, since the Bishop, in his book, addresses the Earl as then living. *Anderson, vol. i. part ii. p. 19.*

† Anderson, vol. i. part ii, p. 19.

of

of this confession of Paris, which is made to acknowledge this fact, of his being the bearer of the Letters, in express terms. And the above passage from Crawford, fully explains the good reason that Murray then had, for keeping this pretended confession of Paris a profound secret to all, except his own confederates, and Secretary Cecil, *viz.* because it was at this time universally known, by every body in Scotland, that this very Paris, at his execution, had publicly given the lie to any pretended confession, by solemnly denying the fact.

Here then, we see, are evidences that directly contradict one another, *viz.* Lesly, and the Author of Crawford's History, who were both living witnesses at the time, on the one side, and this clandestine confession of Paris on the other. If either of these testimonies be true, the opposite, of consequence,

quence, must be false. Let us endeavour, by external circumstances, to find out on which side the truth stands.

To begin with the Bishop of Ross: and in order to ascertain the proper degree of credit to be given to his public assertion of the above fact, it may not be improper to give a short sketch of his character, from a letter of Queen Elizabeth to Queen Mary, 21st December 1568. After mentioning Mary's other commissioners, "We cannot" (says she) "but specially note to you, "your good choice of the Bishoppe of "Rosse, who hath not only faithfully and "wisely, but also carefully and dutifully, "for your honour and weale, behaved "himself, and that both privatly and "publickly, as we cannot but in this sort "commend him unto yow, as we wish "yow had many such devoted discrete "servants; for, in our judgment, we think "ye have not any in loyaltie and faithful-
"ness

“ nels can overmatch him. And this we
 “ are the bolder to wryte, confidering we
 “ take it the beſt trial of a good ſervant to
 “ be in adverſitie, out of which we hartely
 “ wiſh yow to be delivered, by the juſtifi-
 “ cation of your innocency *,”

The Biſhop and Crawford’s account of Paris’s dying words, it may be ſaid, are no more than their aſſertions: they ſay it, however, not in a whiſper, but as a thing well known in Scotland at the time of Paris’s execution; and Leſly proclaims and publiſhes it to the world in print, recently after Paris’s death. This was giving an opportunity to the Queen’s accuſers, to have as publicly contradicted this ſtory, if it was falſe, by immediately expoſing

* Paper-office. Anderson, vol. iv. p. 184. Good. vol. ii. p. 270.—How different is this from the character the Diſſertator is pleaſed, without any authority, to give us of *this faithful and diſcreet ſervant of Queen Mary, viz.* “ That he was a man heated with faction !” *Diſſertation, p. 5.*

Paris’s

Paris's confession, which was in their hands; and supporting its authority, by naming the persons who were present at his examination.

Let us turn now to the other side, and observe the part which Murray and his confederates acted upon this occasion. Queen Mary's ambassador thus affirming, in the face of the world, that this man, Paris, had, with his dying breath, and in the most solemn manner, asserted her innocence, was surely a challenge to her accusers to have refuted the assertion, by producing Paris's confession, if genuine, and fit to bear the light. They did it not, however; and the only answer made to the Bishop's vindication of Queen Mary, was an order from Queen Elizabeth to suppress the book altogether*, on pretence of its containing some dangerous points,

* Anderson, vol. i. Preface to the Defence of Queen Mary's Honour, p. 4.

with

with regard to Mary's title to the crown of England. A second edition was, however, soon after published of the *Queen's Defence*, at Liege, in the year 1571*.

In answer to this, it may be said, That, by suppressing this *Defence of the Queen*, Murray and Morton had no opportunity to see this assertion with regard to Paris. This, however, can scarcely be supposed. The book was printed, and copies of that very first edition are still extant.

The order for suppressing it was from Elizabeth, and consequently the book must have been in her hands, and in the hands of her ministers. Murray and Morton had always a minister at London, to nego-

* Anderson, vol. i. part ii. preface, p. 12. tells us, he had seen both first and second editions of the *Bishop of Ross's Defence*; and that he published his edition from the last, in 1571, as being much fuller in the preface than the first edition, and because of some other remarkable alterations that are in it.

tiate their affairs at that court; and by an authentic paper, still extant in the Cotton library, we see, that in October 1569, the Abbot of Dunfermline was sent up to London, as minister from the Earl of Murray, and carried up with him this pretended confession of Paris*. Nay, the Earl of Morton himself, as commissioner appointed by the Scotch Regent Lennox, for managing a new treaty with Queen Elizabeth, to depose Mary altogether, was himself at London in the beginning of the year 1571; at which time, it cannot be doubted, that both these ministers must have seen this Defence of Queen Mary. What possible reason, then, can be assigned for this reservedness, this determined silence of Murray and Morton, with respect to this assertion of the Bishop, as to Paris's dying testimony of Queen Mary's innocence, when they could at once have crushed it,

* Cotton Lib. C. 1. fol. 326. Anderson's general Preface, p. 19. Goodall, vol. ii. p. 84.

by

by publishing the genuine confession said to have been made by Paris himself, which they then had in their pocket? Two reasons, very different indeed from each other, may be imagined: Either that this confession of Paris, in Morton's custody, was not fit to bear the light; or, that some small regard for Mary's fame made them conceal it from her. That this last was not the case, we shall see from what follows.

In this very year 1571, Buchanan published his famous work, intitled, "A Detection of the Doings of Queen Mary;" a work that reflects ingratitude and dishonour upon his name.

In this scandalous book against the Queen, published both in the Latin and in the Scotch language, nothing is forgot that could serve to blacken her. She is there libelled as an open adulteress, and
the

the murderers of her husband ; all, in short, that malice or calumny could invent, to render her odious, is therein set forth : and, as a voucher or proof of the whole, the famous Letters by her to Bothwell are printed at full length. Nay, that nothing might be neglected to give credit to this book, certain pretended confessions of Dalgleish, Powrie, Hay, and Hepburn, Bothwell's other servants, are printed along with it ; and yet this material confession of Paris, though later in date, is omitted. That so precious a piece of scandal might not be confined to Scotland, this book, with the Letters, was, at the very same time, printed at London, and dispersed over the kingdom. But what is most surprising, although Paris is often mentioned therein, as the confident of the whole scene between the Queen and Bothwell, with respect to the King's murder ; and that Bishop Lesly, in his printed

apology for Queen Mary, had affirmed, in the face of the world, as a fact universally known, that Paris, at his execution, had publicly asserted the Queen's innocence*; although the Letters give only some suspicious and dark hints, from which the Queen's knowledge of the murder is inferred; whereas Paris's confession expressly charges her as the contriver of it, and is the only evidence that does so: yet in Buchanan's book there is not the least mention made of any such confession. Buchanan lived many years after this; his *Detection* underwent several editions; nay, he wrote his history at large, which was not published for several years after this period; and although he there again makes mention both of Paris and the Letters, yet not one word is said of any such confession made by this person to the prejudice of the Queen.

* Anderson, vol. i. part ii. p. 19. Vide p. 295—298.

We

We have already said, that a copy of this confession of Paris against the Queen, attested by Alexander Hay, is extant.

This Hay appears to have been Murray's active instrument in the transactions of those times, and arrived to be clerk to his secret council. Here we see him attesting a copy of this confession of Hubert's, without witnesses, and upon his single assertion only. We have extant a very curious letter of the same Hay to John Knox, which is dated the 14th day of December 1571, wherein he thus writes :
“ They have set out in Ingland our Queen's
“ lyfe and process, baith in Latin and Ing-
“ lish, quhairin is contenit the discourse
“ of hir tragical doingis ; the process of
“ the Erle of Bothwell's clenging, hir Son-
“ nettis and Letteris to him, the deposi-
“ tiounis of the persounis execute, and the
“ cartellis efter the King's murthour. *In*
“ *appeirance thay leive naitbing unset out*
X 2 “ *tending*

"*tending to hir infamie* *." This same Hay, we see, had attested the copy of Paris's confession on the 10th of August 1569, which was sent to London that year; and yet in this letter, wrote to his friend John Knox, though he knew well, that his own copy of this confession was in the hands of the very same people who had published the above scandalous collection against the Queen; yet so well does he know, from the very nature of his own manufacture, that this confession of Hubert's durst not as yet be exposed to the public, that, cautious of mentioning that piece in his collection, he sinks it altogether, as if no such paper had existed. He tells his friend, that the above collection contained every thing that could tend to the Queen's infamy, when at the same time he knew well, that the blackest piece of all, with which he himself had furnished them, was omitted.

* Goodall, vol. ii. p. 37r.

From

From all these circumstances, the violent presumptions that arise from their carrying this poor ignorant stranger from Edinburgh, the ordinary seat of justice; their keeping him hid from all the world, in a remote dungeon, and not producing him with their other evidences, so as he might have been publicly questioned; the positive and direct testimony of the author of Crawford's manuscript, then living, and on the spot at the time; with the public affirmation of the Bishop of Ross at the time of Paris's death, that with his last breath he had vindicated the Queen*; the behaviour of Murray, Morton, Buchanan, and even of Hay, the attester of this pretended confession, on that occasion; their close and reserved silence at the time they must have had this confession of Paris in their pocket; and their publishing every other circumstance that could tend to

* Crawford's Memoirs, p. 127. And vol. i. part ii. p. 19.

blacken the Queen, and yet omitting this confession, the only direct evidence of her supposed guilt; all this duly and dispassionately considered, I think, one may safely conclude, that it was judged not fit to expose so soon to light this piece of evidence against the Queen, which a cloud of witnesses, living, and present at Paris's execution, would surely have given clear testimony against, as a notorious imposture.

Thus far the external evidence points against this pretended confession of Paris. We shall next examine the internal texture and construction of it, as it now appears to us, in order to satisfy the reader's curiosity.

Paris says, " That the first time that he
 " entered into trust or credit with the
 " Queen, was at Kalendar, in her road to
 " Glasgow, where she gave him a purse of
 " three

“ three or four hundred crowns, to deliver
“ to the Earl of Bothwell *.” Here it
may be asked, why did she not give it to

* 1. Interrogué, Quant premierment il entra en credit avec la Roïne? Resp. Que ce fust comme la Roïne fust a Kalendar allant a Glasgow, qu’allors elle luy baylla une bourse la ou il avoit envyron ou 300 ou 400 escus, pour la porter a Monsieur de Boduel. *Andersf. vol. ii. p. 192.*

2. Que le Roy la vouloyt *bayser*, mais elle ne pas voullu, de peur de sa maladye, chose que Rayres en tesmoigneroit bien : & plus (ce dict elle) vous direz a Monsf. de Boduel que je ne vais jamais vers le Roy que Rayres n’y est, & voyst tout ce que je fais. *Ib. p. 193.*

3. Comme Paris vouloit dresser le liēt de la Roïne en sa chambre, qui estoit droiēte soubz la chambre du Roy, aynsi que Monsf. de Boduel luy avoit commandé. —

4. Je prins la hardiesse de luy dire, Madame, Monsf. de Boduel m’a commandé de luy porter les clefs de vostre chambre, & qu’il a envie d’y faire quelque chose, c’est de faire *sauter* le Roy en l’air par pouldre.

5. Que Monsf. Boduel luy avoit dict, que toutes les nuits Lady Reires iroit bien tard le querir pour l’amener a la chambre de la Roïne. *P. 196. & 203.*

Bothwell himself, who was at Kalendar with the Queen, as Paris says afterwards, in this confession?

2. That two or three days after, when the Queen sent him from Glasgow, with the first Letter to Bothwell, she desired him, by word of mouth, to tell Bothwell, "That the King desired to kiss her, but that she refused him, for fear of his malady, as Lady Reres would testify." What a shocking improbability! that the Queen should tell this from her own mouth to a servant! And further, says she, "Tell Bothwell, that I won't go near the King, unless in company with Reres, who shall see all that I do."

3. "That as he, Paris, was dressing, or putting in order, the Queen's bed in her chamber, which was directly under the King's chamber, as Bothwell had commanded," &c. *A very decent office, truly,*
this

this fellow had got into about the Queen's person.

4. " That he took the liberty to say to
" the Queen, Madam, Monsieur Bothwell
" hath commanded me to bring to him the
" keys of your chamber, as he wants to
" do something there; that is, to blow
" the King in the air with powder."

5. " That Bothwell told him, That Lady
" Reres walked out every night, very late,
" in quest of him, to conduct him to the
" Queen's bed-chamber, and that he was
" present when Lady Reres came on this
" errand."

Such is the grossness, and such are the absurdities, to be found in every part of this noted confession.

The just remark made by the Dissertator, That the eagerness of forgers generally makes them detect themselves, by
over-

overcharging their work, is verified to the full extent, by applying it to this piece. Their caution, in not making the Queen, in her Letters, speak such plain language as this person does, was wise : here they thought there was no danger, in putting the grossest words in his mouth. His character, they knew, was low enough to bear it ; and they were resolved to make him speak out, so as to leave no doubt of the Queen's infamy, as a prostitute ! and a murderers !

Having thus examined the external and internal appearance of this notable piece, it is but justice to shew what arguments have been used on the other side, in support of Paris's confession against the Queen ; which I shall give in the Differtator's own words.

“ This person” (says he) “ was twice examined ; and the original of one of his
“ depo-

“ depositions, and a copy of the other,
“ are still extant. It is pretended they are
“ both forgeries. But they are remark-
“ able for a simplicity, and *naïveté*, which
“ it is almost impossible to imitate: they
“ abound with a number of minute facts
“ and particularities, which the most dex-
“ trous forger could not have easily assem-
“ bled and connected together, with any
“ appearance of probability; and they
“ are filled with circumstances, which can
“ scarce be supposed to have entered the
“ imagination of any man, but one of
“ Paris’s profession and character. *But,*
“ *at the same time, it must be acknowledged,*
“ *that his depositions contain some improbable*
“ *circumstances. He seems to have been a*
“ *foolish talkative fellow; the fear of death,*
“ *the violence of torture, and the desire of*
“ *pleasing those in whose power he was,*
“ *tempted him, perhaps, to feign some circum-*
“ *stances, and to exaggerate others.* To say
“ that some circumstances in an affidavit
“ are

“ are improbable or false, is very different
 “ from saying that the whole is forged. I
 “ suspect the former to be the case here,
 “ but I see no appearance of the latter *.”

In answer to this, we must observe, that it has been always judged an unlucky circumstance in any person's testimony, that any one particular of it is found to be inconsistent with truth: the smallest deviation in that point never fails to render the whole suspicious. In the present case, when the several objections arising from the external view of the testimony, are taken into consideration, the above rule of judging must operate with double force. Nor does the reason assigned by the Dissertator, for Paris's mixing truth with improbabilities, “ Because he meant thereby
 “ to please the party,” appear in the least satisfactory. If this reason is good for any thing, it proves too much. If Paris

• Dissertation, p. 17.

had

had a view to please them, by telling falsehoods, that surely might have tempted him to accuse the Queen falsely, as the most grateful thing he could do to them : or if the *fear of death*, and the *violence of torture*, could extort a false confession from this poor wretch, we must certainly believe that the whole of his narrative against the Queen is a lie, from beginning to end. Here might we rest the matter against the Dissertator ; but if we are to judge of this confession from the absurd and improbable circumstances that are contained in it, we can scarce believe, that this creature, Paris himself, could have been the author of this narration. For although he might have been tempted by the hopes of life to accuse the Queen falsely, yet his avowed confession of being associate in the horrid circumstances of the murder, tended infallibly to his own certain destruction, by pointing himself out as a wretch deserving

serving the most cruel death, without the least compassion.

The Dissertator says further, that "Paris's confessions are remarkable for their simplicity and *naïveté*." This is inconsistent with what he immediately after this owns, that Paris seems to have been *a foolish talkative fellow*. And they abound, continues he, with a number of minute facts and circumstances, which could scarce have entered the imagination of any other man. I shall very readily grant, that many of these facts might really have been true. They do not affect the Queen, and might have possibly been told by Paris. But that can be no argument that the confessions, as given out in his name several months after his death, are genuine. For, as we have already observed, the plan of every forger, in such a case, must always be to ground his work upon some

3

certain

certain facts that all the world knows to be true, and to intersperse truth with falsehood.

Let us further examine the authenticity of this confession of the 10th of August.

The title it bears is in these words :

“ A Sanctandré, le 10 jour d’Aoust 1569.
“ Nicholas Howbert, dict Paris, a este in-
“ terrogué sur les articles & demands
“ qui s’ ensuivent, &c. & premierement.”
Then follow the questions that are put to him, with his answers, both in French : but by what person, or what authority, he was thus questioned and examined, does not appear. From which it is evident, that that examination and confession was not judicial. And what is most surprising, it does not mention any person whatever that was present when it was taken. What can we think of so lame a piece of evidence?
This

This examination could not have been made at Paris's trial, otherwise it must have expressly said so; likewise it must have mentioned the court of justice, and the judge, in whose presence, and by whose authority, it was taken.

Let us next compare this examination with the judicial examinations and confessions of Dalgleish, Hay, Hepburn, &c. taken before the High Court of Justiciary at Edinburgh. We evidently see there the difference betwixt a judicial testimony, and this of Paris, taken in a clandestine manner, without the authority of a judge, and by nobody knows whom. Dalgleish's examination begins thus: "Apud Edinburgum, 26 Junii, ann. Dom. 1567, præsentibus Comitibus de Mortoun & Athol, Præposito de Dundee, & Domino de Grange *."——John Hay's examination

* Anderson, vol. ii. p. 173.

begins

begins thus: "Apud Edinburgum, 13 die
" mensis Septembris, ann. Dom. 1567, in
" presence of my Lord Regent, the Erles of
" Morton and Athol, the Lairds of Loch-
" leven and Petarow, Mr. James Magyll,
" and the Justice-Clerk *." ——— John
Hepburn's examination thus: "Apud
" Edinburgum, 8 die mensis Decembris,
" ann. Dom. 1567, in presence of my Lord
" Regent, the Erle of Athol, the Lord
" Lindsay, the Laird of Grange, and the
" Justice-Clerk †." ——— And at the end of
these depositions is the attestation and sub-
scription at large, of Sir John Ballenden,
Lord Justice-Clerk, bearing, that the prin-
cipal depositions were in the records of the
books of the High Court of Justiciary ‡.

What marks then of authenticity are
about this paper of Paris? Not the smallest,

* Anderson, vol. ii. p. 177.

† Ibid. vol. ii. p. 183.

‡ Ibid. vol. ii. p. 188.

as far as can be seen at this day, excepting the single assertion of Hay, Murray's clerk, who, as a notary, attests this paper to be a true copy of an original, signed or marked by Paris himself, and read to him. All the world knows, that a copy of any paper, attested by a notary, requires the solemnity of two reputable witnesses to give faith to the notary's attestation. To this paper, however, though of the greatest importance, there are no witnesses. The whole then depends entirely upon the naked assertion of this noted clerk of Murray alone, contradicted, as we have seen, in the most public manner, by all the world, and even tacitly disavowed by himself.

To the above, let us add the proof which arises from comparing this pretended confession of Paris with Murray's Journal, already taken notice of, which last clearly confutes that material
fact,

fact, with respect to Paris's delivering the Queen's Letter to Bothwell, as asserted by him in this confession, and consequently discredits the whole.

As for the pretended declaration of the 9th of August, since that only charges the Earl of Bothwell, and not the Queen, with any accession to the murder, it does not fall within my plan, although liable to the same objections with the above pretended confession against the Queen. Besides, Mr. Goodall has, however, upon good ground, shown it to be an imposture *.

Before we conclude this subject, we must again beg leave to take notice of Mr. Hume's arguments in support of this noted piece of evidence of Paris. "It is in vain" (says he) "at present to seek improbabilities in Nicholas Hubert's dying confession, and to magnify the smallest difficulty into

* Goodall, vol. i. p. 137.

“ a contradiction. It was certainly a *regular judicial* paper, given in *regularly and judicially*; and ought to have been canvassed at the time, if the persons whom it concerned had been assured of their own innocence *.”

Here we see a short, but very positive decision against all and every objection that possibly can be brought against Paris's confession. But upon what does this Author ground his sentence? Upon two facts affirmed by him, which truly never did exist: 1st, That the confession was a *judicial* one, that is, taken in presence or by authority of a Judge; and, 2^{dly}, That it was *regularly and judicially given in*; that must be understood, during the time of the conferences before Queen Elizabeth and her Council, in presence of Mary's commis-

* Hume, vol. ii. p. 500. first edition quarto.—This argument seems to be a favourite one with our Author: we have seen him apply it in the same decisive manner to the French Letters, *supra*, p. 170.

fioners;

sioners; at which time she ought to have canvassed it, says our Author, if she knew her innocence.

That it was not a judicial confession, is evident: the paper itself does not bear any such mark; nor does it mention that it was taken in presence of any known person, or by any authority whatsoever; and, by comparing it with the judicial examinations of Dalgleish, Hay, and Hepburn, in pages 320, 321, it is apparently destitute of every formality requisite in a judicial evidence. In what dark corner, then, this strange production was conceived, our Author may endeavour to find out, if he can.

As to his second assertion, That it was regularly and *judicially given in*, and therefore ought to have been canvassed by Mary during the conferences; we have already seen, that this likewise is not fact. The conferences broke up in February 1569, Nicholas Hubert was not hanged till Au-

gust thereafter, and his dying confession, as Mr. Hume calls it, is only dated the 10th of that month, and was never shewn to the Queen or her friends. How then can this gentleman gravely tell us, that this confession was *judicially given in*, and ought to have been at that very time canvassed by Queen Mary and her commissioners, who never saw it *?—In answer, then, to Mr. Hume, As the Queen's accusers did not chuse to produce to public trial this material witness Paris, whom they had alive, and in their hands, nor any declaration or confession from him at any time, for having it canvassed by the Queen, I apprehend our Author's conclusion may fairly be turned against himself, That it is in vain at present to support the improbabilities and absurdities in a confession, taken in a clan-

* Mr. Hume, in the second and subsequent editions of his History, has thought fit to drop his arguments altogether in support of so glaring a forgery as this of Hubert's confession, by *tacitly withdrawing* the paragraph above inserted.

destine way, nobody knows how; and produced after Paris's death, by nobody knows whom; and from all appearance destitute of every formality requisite and common to such sort of evidence. For these reasons, I am under no sort of hesitation to give sentence against Nicholas Hubert's confession, as a palpable imposture and forgery.

C H A P. V.

Summary and Trial of the Evidence.

THE learned and judicious Bayle has made a very just observation on the case of Queen Mary and her adversaries: “One of two things” (says that Author) “must have been the case; either that they “who forced that Princess out of her kingdom, were the greatest villains in nature; “or that she was the most infamous of women. These are two scales of a balance, “equally poised; you cannot load the one “without lightening the other precisely to “the same degree. In the same manner, “whatever serves to acquit the Queen, “aggravates the guilt of her enemies in the “same proportion; and whatever serves to “load

“load the Queen, extenuates their crime
“ in a like degree *.”

Here then we have a just balance, in which the case of Mary and her accusers may with certainty be weighed, and by this standard judged and determined with great exactness.

The weights to be put in the scales are, the proofs which were exhibited by the Earls of Murray and Morton, of the crimes with which they charged their Queen; which are likewise to be considered as the proofs of their own justification, for rising in arms against their Sovereign, for imprisoning her, and, finally, for the long train of her calamities, and death, all consequent to their rebellion.

The scales being now fairly loaded, and the balance exactly poised, let us carefully

* Bayle's Hist. Dict. vol. ii. p. 181.

examine

examine the weights, before we pretend to abstract one grain from the scales. One scruple taken from either of them, must alter the poise. If then we take out the heaviest weight, and put it in the opposite scale, that directly preponderates, the other flies up.

We shall, therefore, begin with examining the heaviest weight in the scale against the Queen, that is, her Letters to Bothwell: and, to avoid all imputation of partiality, let us try them according to the rules of equity, as in a court of justice, by hearing both sides. We begin with the accusers.

1. The Earl of Morton at first produced those Letters, and affirmed, *on his word of honour*, that his servants seized them in the custody of George Dalglish, one of Bothwell's servants, who had brought them out of the castle of Edinburgh.

2. The

2. The Earls of Murray and Morton affirm, *on their honour*, that they are the hand-writing of the Queen, both in their own Secret Council, and in the Regent's Parliament in Scotland, and before Queen Elizabeth and her Council in England.

3. They are produced at York and Westminster to the English Council, and compared with other letters of Mary's hand-writing, and appear to be similar to them.

4. and lastly, Several of the incidents mentioned in the Letters themselves, such as the conversations between the King and Queen at Glasgow, are, by Crawford, one of the Earl of Lennox's vassals, affirmed, upon oath, to be true.

Such are the proofs brought in support of the Letters. Let us now turn to the other side, and hear what are the answers,
and

and the objections made to them on the part of Queen Mary.

1. Queen Mary denies the Letters to be her hand-writing, and asserts them to be forged by her accusers, Murray, Morton, and Lethington; and offers to prove this.

2. Morton's bare affirmation of the way in which the Letters came into his hands, as he is a party, can never in equity be regarded. Nay, the Letters appearing first in his hands, was of itself suspicious. Besides, his stifling the evidence of *Dalgleish*, or forbearing to interrogate him judicially, how he came by these Letters, which would have put this affair in a true light; and his neglecting to examine his *own servants* publicly, who seized *Dalgleish* with the Box, as to what they knew of that affair; and, in place of the legal declaration of those who were the only proper witnesses to prove this fact, obtruding his own affirmation only:
these

these omissions, I say, double the suspicion, that he himself, and his faction, were the contrivers of the Letters.

3. The affirmation of Murray and Morton on the authenticity of the Letters, both in Scotland and England, can bear no greater degree of credit, than Queen Mary's denial, and the affirmation of herself, and most of the *nobility of Scotland* *, that those Letters were forged.

4. The similitude of one hand-writing to another, is such a proof as no man can be certain of: far less in the case of these Letters, appearing in so clandestine a way, in the hands of Morton, the Queen's inveterate enemy and accuser. Add to this, what is affirmed by Mary, that her enemies had often counterfeited letters in her name; which is corroborated by a contemporary author, who relates it as a well-known fact;

* Cotton Lib. Goodall, vol. ii. p. 360.

that

that Lethington her Secretary had often practised this vile fraud *.

5. That several of the incidents mentioned in the Letters might be very true, is not denied. The plan of the forgers was surely to intersperse truth with falsehood. Crawford's testimony on the truth of several of the incidents mentioned in the Letters might therefore be true, and yet the Letters themselves might be forged.

But the objections to the Letters on the part of the Queen, are of a different nature.

1. The Letters, as exhibited by Murray and Morton, wanted the dates, place from which they were written, the subscriptions, seals, and addresses. Could any judge or jury, then, have admitted these Letters as authentic, and as written by Queen Mary

* Crawford's Memoirs, p. 100.

to the Earl of Bothwell, upon the bare word of her accuser?

2. The only proof they could have brought to support their affirmation, was by the oath of Hubert, that he got the Letters from the Queen's own hand, and delivered them to Bothwell; and by Dalgleish, that he got them from Sir James Balfour, in the castle of Edinburgh, and was carrying them to Bothwell; and lastly, by Morton's servants, who seized Dalgleish with the Box and Letters. It is impossible, therefore, to frame any plausible reason, why these several persons were not called upon to prove these facts, but this only, that there was not a word of truth in the story.

3. The Letters are produced in public, under different dresses. Before the Secret Council, they bear to be *subscribed* by the Queen's hand; in their second appearance, before

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before Regent Murray's Parliament, they *want the subscription* altogether. This is proved by the acts of Council, and of Parliament, in the registers.

4. While the conferences were going on at York, the Letters were privately, and in secret conference, shown by Lethington and Buchanan, to the English commissioners, but carefully concealed from Queen Mary and her commissioners.

5. The Queen, on the first hearing of those Letters, earnestly supplicates to have inspection of the originals, and to be allowed copies: from which she offers to prove them to be forged and spurious. Both requests are refused to her, the Letters are delivered back to her accusers, and to her dying day she never could get a sight of these originals, or attested copies of them.

6. The Letters, of which copies only are now extant, are, to demonstration,
proved,

proved, and forced to be acknowledged, even by the writers against the Queen*, to be palpable translations from the Scotch and Latin of George Buchanan.

And, lastly, Murray and Morton, the Queen's accusers, in order to make good their charge or accusation against the Queen, have produced false and forged evidence, *viz.* Hubert's confession, which we have proved to be a forgery: from whence the same presumption, had we no other proof against the Letters, must arise, that they are forged likewise.†.

Such are the proofs on both sides for and against the authenticity of the Letters. Let us now put the question to any im-

* Hume, vol. ii. p. 499. Robertson, vol. ii. Diss. p. 25.

† We may also instance the Love-sonnets, and a still more palpable forgery of a paper produced by these associates to Queen Elizabeth's three commissioners at York, which, in the Second Part, we shall prove clearly to be so.

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partial

partial person who understands the nature of evidence, Would those Letters, found in the custody of Morton, destitute of subscription, seal, and address, and in the face of so many other unfurmountable objections, have been sustained as genuine authentic writings, in any court of law or justice, upon the bare appearance or similarity of the Queen's hand-writing, and the naked word of Murray and Morton the accusers? I am not afraid of the imputation of rashness, when I venture to say, that at this day, I am convinced that no impartial jury, or judge, could, upon conscience, have given judgment for these Letters as genuine, and returned a verdict and sentence in their favour as such.

If this is the case, I think, with Monsieur Bayle's approbation, he himself holding the balance, I may venture to take this weight from Murray and Morton's scale, and put it into the Queen's. The case then is de-

terminated at once, the scale is turned in favour of the Queen. But still there remains another weight against her, that is, Hubert's confession : this we have so recently proved to be a forgery, that it is needless here to recapitulate the objections to a piece of manufacture abounding with so many absurdities and improbabilities (as Dr. Robertson acknowledges), and altogether destitute of every essential requisite to a judicial paper. If this weight is taken from Murray and Morton's scale, and put to the Queen's, what then remains in the opposite? Nothing but conjectures, arguments *à priori*, and inferences drawn from false premises, all as light as air ! The Queen's scale, then, preponderates ; that of her adversaries *flies up, and kicks the beam.*

A N
I N Q U I R Y

INTO THE EVIDENCE AGAINST

MARY Queen of *SCOTS*.

P A R T II.

C H A P. I.

Queen Mary's Accusation against the Earls of Murray and Morton, and Secretary Lethington, as Conspirators in the Murder of Lord Darnley.—Mr. Hume and Dr. Robertson's Defence of them.—Heads of the Charge undertaken to be proved against them.

HAVING examined the evidence that was produced by the Earls of Murray and Morton, and Secretary Lethington,

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ton, for proving Queen Mary guilty of the crimes with which that confederacy accused her, we have attempted to prove, that these evidences, so far from being sufficient to make out the accusation, were themselves false and forged. If in this we have succeeded, according to the judgment of Monsieur Bayle (a judge, who has shewn himself, by his writings, nowise prejudiced in favour of Mary), it should determine the question, and prove, not only that the Queen is innocent, but moreover that her accusers themselves must be guilty. Plain however as this consequence is, to satisfy the curious, I mean to go a step further, and try, even at this day, by direct evidence, to trace the footsteps of those dark, daring confederates, in the bloody scene of Darnley's death, through the thick cloud in which they have enveloped themselves.

The Queen's accusation against her bastard brother the Earl of Murray, and his *confederates,*

federates, Morton and Lethington, was, in general, "That they were the inventors, conspirators, and some of them the executors of the murder of the King *."

Now, before we enter into the defence made to this accusation, the two following points, which I think naturally do result from the Queen's accusation, will, I hope, be readily granted.

First, That if the Queen had made good this accusation, and proved, that the accusers themselves, Murray, Morton, and Lethington, had been in the conspiracy of the King's murder; in that case she herself could not have been in that confederacy, or guilty of the murder. This I take to be consistent with common sense and reason †.

* Cotton Lib. Goodall, vol. ii. p. 298.

† Dr. Robertson uses the very same argument in his vindication of the Earl of Murray, *Dissertation*, p. 4.

Secondly, I presume it will likewise be granted, that as this triumvirate, Murray, Morton, and Lethington, had been from the beginning equally embarked in the same cause; as they had with one voice publicly accused their Sovereign of the above crimes, and pretended to bring proof of their accusation; and as they had, by that means, deprived her of her crown, and possessed themselves of the government of her kingdom: if, I say, the Queen could have proved that these joint accusers, or any of them, had themselves been the authors or contrivers of the King's death, in that case the whole triumvirate, as *socii criminis*, must one and all of them be deemed guilty, as accessories to the murder.

These two points being allowed, let us now turn to the other side, and hear what defence Murray and his associates have made for themselves, and what has been said for them by the writers upon their side, in answer to the Queen's accusation.

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The answer made by Murray and his associates to the Queen's accusation, was in these general terms: "That they deny
" they were culpable thereof."

Mr. Hume argues thus in their defence against the above accusation: "The
" Queen's accusation coming so late, can
" only be regarded as an angry retaliation
" upon her enemy: Unless" (adds this gentleman) "we take this angry accusation
" of Mary's to be an argument of Murray's
" guilt, *there remains not the least pre-*
" *sumption*, which should lead us to suspect
" him to have been an accomplice in the
" crime.—Murray could have had no
" motives to commit that crime.—The
" King's murder, indeed, procured him
" the Regency; but much more Queen
" Mary's ill conduct, which he could not
" foresee *."

Dr.

* Hume, vol. ii. p. 500.

Mr. Hume is rather precipitate, when he ventures to say, that Mary was the only accuser of Murray.—We shall

Dr. Robertson argues thus on the same side: "Murray, on the Queen's return to Scotland, served her with *great fidelity*, and, by his prudent administration, rendered her so popular, and so powerful, as enabled her with ease to crush *a formidable insurrection raised by himself* in the year 1565. What motive could induce Murray to murder a Prince, without capacity, without followers, without influence? It is difficult to conceive what Murray had to fear from the King's life. It is no easy matter to guess what he could gain by his death.—If Murray had instigated Bothwell to commit the crime, or had himself been accessory to it, what hopes were there, that Bothwell would silently bear, from a fellow-criminal, all

shall see afterwards a particular accusation of him by the Earls of Huntly and Argyle, with their grounds for that accusation; a still more pointed one, from Lord Herries;—and a more solemn one, signed by no less than seventeen of the chief Nobility of Scotland. Goodall, vol. ii. p. 254.

"the

“ the persecutions which he suffered, with-
“ out retorting upon him the accusation,
“ or revealing the whole scene of iniqui-
“ ty?—Or is it probable that Murray
“ would first raise Bothwell to supreme
“ power, in hopes that afterwards he might
“ crush him * ?”

Such is the answer and defence made by the writers on Murray's side of the question, to the Queen's general accusation of him and his associates.

We are here amused with fine-spun arguments *à priori*, endeavouring to overturn facts by inferences, from the seeming unreasonableness of the motives productive of these facts. Were the certainty of events to be determined only by an induction of probable causes, there must be an end of all historical faith, we must doubt of every thing that does not fall under the direct

* Dissertation, p. 3.

conviction

conviction of our own eyes. Dr. Robertson asks, What motive could induce Murray to murder Darnley? His friend Mr. Hume shall answer him, *It was to procure himself the Regency.* But unluckily, after all, the specious reasoning of these gentlemen is contrary to facts, against which there is no arguing. It is by facts established on solid grounds, that we mean to combat specious theories.—We shall by and by see a plain proof, in direct contradiction to all and each of the above arguments:—*first*, Of Murray, *this faithful minister to Queen Mary*, as they are pleased to call him, his traiterous association with Morton and Lethington, and their inlisting themselves in the service of Queen Elizabeth, both before, at the time of, and after, Queen Mary's return to Scotland.

We shall see the same Murray, who *had nothing to fear* from Darnley, without any just cause or pretence, prompted by his
ambitious

ambitious views only, and trusting to promised assistance from Queen Elizabeth; raise and put himself at the head of an open rebellion, with an avowed design to kill Lord Darnley, and to make the Queen a captive.

We shall trace the same traiterous confederacy of Murray and his associates through several conspiracies against their Sovereign, until the actual murder of Lord Darnley; when we shall see Morton and Lethington, the agents of Murray, and privy to the King's death, joining all their forces to get the Earl of Bothwell, whom *they knew* to be the active person in the murder, solemnly acquitted of it; and notwithstanding the *improbability of the scheme*, according to Dr. Robertson, we shall, in fact, see the same confederacy labouring to promote a marriage between the Queen and Bothwell, their associate; and no sooner is that accomplished, than we shall see

see them raise the cry against him for the murder, instigate and head a rebellion against him, and the Queen, whom they involve in the same ruin, while Bothwell is suffered to make his escape, for fear of *his revealing the whole scene of iniquity.*

These facts, which overturn the whole arguments and conjectures of the two Historians, we shall, in the sequel, endeavour to prove from unquestionable evidence.

But, previous to our entering upon this matter, it is of consequence to take notice of the fallacy that has been used by the advocates on the opposite side, by a vindication of the Earl of Murray *only*. He is substituted in place of the whole party, as if the Queen's accusation had been confined to him alone ; which is not the case, as Morton, Lethington, and the other confederates, were jointly accused with him.

Murray

Murray indeed, who appears to have been the head and director of the whole, seems to have taken very great care to screen himself from public view ; while Morton and Secretary Lethington, his two instruments, acted more boldly, and with less caution. By this piece of sleight, the contriver and mover of the whole machine kept himself hid, as he imagined, behind the curtain, and now, secure in his artifices, boldly steps forth, while his under-actors make their retreat, and by his interposition seem to elude the search.

By this piece of sophistry, the partisans of the Queen have been imposed upon : in pursuing Murray, they let his two instruments, Morton and Lethington, escape : we propose, however, to follow a course new and unattempted ; to direct our inquiry into the particular conduct of each of the triumvirate ; and, at the same time, endeavour to discover the chain which
united

united this confederacy against the Queen, during her whole reign: so that, by judging of each separately, or connecting the whole together, the Reader, in one view, may determine for himself: and on this plan we propose to give a fair detail of facts, with the authorities from which we take them, so that the public may the better judge of their weight.

C H A P. II.

Secret Association of the Confederates with Queen Elizabeth. — Murray's Insurrection, Rebellion, and Design to kill Lord Darnley. — His Banishment.

I NOW proceed to my subject; and in order to enable the reader to form a judgment of what part Murray, Morton, and Secretary Lethington, had in the great event of Darnley's death, it is necessary to trace their conduct for some time preceding that period.

On the death of the Queen-Regent, mother to Mary, then in France, the Earl of Murray, then Prior of St. Andrew's, and the Queen's bastard-brother, was at the

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head of the Reformed party in Scotland ; at which time it was reported, that he had the crown in view for himself. Our authority for this is, in the first place, a letter from Sir Nicholas Throckmorton, the English ambassador in France, to Secretary Cecil, dated the 26th of July 1559: "I am" (says he) "secretly informed, that there
 " is a party in Scotland for placing the
 " Prior of St. Andrew's in the state of
 " Scotland, and that the Prior himself,
 " by all the secret means he can, aspires
 " thereto *."

Queen Elizabeth, in her instructions to the Earl of Shrewsbury, owns her knowledge of this scheme: "Before the treaty
 " of Edinburgh," (says that Queen) "there
 " was an intent discovered unto us by Le-
 " thington, to deprive her (Queen Mary)
 " of her crown, which we utterly re-
 " jected †."

* Dr. Forbes's Col. vol. i. p. 130.

† Cot. Lib. Calig. C. 9.

At a meeting of the Nobility and Clergy at Dunbarton, 12th September 1568, in a paper signed by nineteen Lords, eight Bishops, and eight Abbots, and sent to Queen Mary's Commissioners at Westminster, in the time of the conferences, it is thus affirmed by them: " It is dilligentlie to be
" remembered, how shortlie aftir our
" Sovereign's hame-coming fra the realm
" of France, in Scotland, the Erle of Mur-
" ray having respect then, and as appears,
" yet, by his proceedings, to place himself
" in the government of this realme, and
" to usurp this kingdom."

Let us now see what evidence there is of any steps taken by Murray in the prosecution of these views. Queen Mary having determined to leave France, and come over to her own kingdom, made application to Queen Elizabeth for a safe conduct, and leave to pass through England in her way to Scotland. Both these suits were re-

A a 2

fused

fused to her: and on Mary's taking her way by sea, some ships of war were suddenly sent out by Elizabeth, in order to intercept her in her passage. The learned Camden, from the letters of the Earl of Murray's party in Scotland, to Queen Elizabeth and her ministers, with whom a secret correspondence was at that time kept, informs us of the part Murray acted on that occasion: "James, the bastard," (says that learned writer,) "having returned from France through England, gave advices underhand to intercept her, both for Elizabeth's security and the interest of religion. — Lethington" (adds he) "advised the same thing; lest, if she should return, she should raise wonderful tragedies, cut off their intercourse with the English, and depress the faction that favoured them." Camden mentions the letters of the party in Scotland, which he had seen. And what confirms his veracity beyond dispute is, that Lethington's letter
addressed

addressed to Cecil to this very purpose, is still preserved in the Cotton Library. This letter shews plainly the confederacy between the English ministers Cecil and Murray and his party, that was then forming to disturb the government: “ I have
 “ been” (says Lethington) “ these forty
 “ days in the north parts of Scotland
 “ with my Lord James (Murray); where
 “ we have not been altogether unoccu-
 “ pied, but advancing the *religion, and the*
 “ *common cause*.—I do allow your opi-
 “ nion of the Queen our Sovereign’s jour-
 “ ney to Scotland, whose coming hither
 “ shall not fail to raise wonderful trage-
 “ dies.——She will not be served with
 “ those that bear any *good will to England*.
 “ Some quarrel shall be picked with them,
 “ not directly for religion at the first; but
 “ when the accusation of heresy would be
 “ odious, men must be charged with trea-
 “ son.——A few number thus disgraced,
 “ dispatched, or dispersed, the rest will be

“ an easy prey; and then may the butchery
 “ of Bonnar plainly begin *.”

That Queen Elizabeth actually intended to have intercepted Queen Mary in her voyage from France to Scotland, is proved by her minister the Lord Keeper Bacon's direct acknowledg^{mt}, in a speech made in the privy council of England, *anno* 1562, on the occasion of a propos^{al} then made for an interview between Elizabeth and Mary: “ Think you” (says Lord Bacon) “ that the Scottish Queen's suit made in a “ friendly manner, to come through Eng- “ land, at the time she left France to come “ into Scotland, and the denial thereof, “ is by them forgotten? or else your “ sending your ships to sea at the time “ of her passage † ?”

* Cotton Lib. Calig. book x.

† Goodall, vol. i. p. 176. from a manuscript, intitled, “ *Placita secreti concilii*,” formerly in the library of Dr. Moor Bishop of Ely, now in the library of the university of Cambridge.

Such

Such is the evidence of the Earl of Murray's views at this time, and those of his party in Scotland, for having Queen Mary intercepted in her way to Scotland, and detained a prisoner in England, that they might themselves seize the government of the kingdom.

Here the reader is desired to attend to the following evidence, which shews, that, at this time, the *fatal association of Murray, Morton, and Lethington*, in confederacy with *Queen Elizabeth*, and her minister *Cecil*, was formed; which constantly after this subsisted, and was the source whence sprung all that series of insurrections and rebellions against Mary and her government, and from which all the calamitous disasters of her reign were derived, which ended in her overthrow and death.

Before the Queen's arrival from France, which was on the 22d of *August* 1561,

A a 4

Queen

Queen Elizabeth had taken care to have a minister at Edinburgh. This was the noted Mr. Randolph, who, upon pretence of bearing Elizabeth's compliments of congratulation, continued about Queen Mary's court as a spy, giving the most minute intelligence of every thing done there, to his mistress Elizabeth, and her prime minister Cecil, and countenancing and encouraging every cabal formed to disturb Mary's government. Of all this, Randolph's own letters, still extant, are a full demonstration.

It appears that he had very soon cultivated a good understanding with the most fit persons for his purpose, such as the famous *John Knox*, one of the chief of the Reformed preachers*, and particularly with
the

* That Knox was in the party, appears from the following evidence. Randolph, in a letter to Cecil, in September 1561, soon after the Queen's arrival in Scotland,

the three confederates, Murray, Morton, and Lethington.

In this letter to Cecil, 9th of August 1561, a fortnight before Mary's arrival in

Scotland, thus writes : " I am earnestly required to let
" your Honour understand, from Mr. Knox, that he
" has received your letter by the Laird of Lethington,
" to which he will make answer at the next." *Cot.*
Lib. Calig. book x. The result of this correspondence
between Cecil and Knox may be gathered from what
follows. Randolph thus continues : " Where your
" Honour exhorteth *us* (the faction in the English in-
" terest) to stoutness, I assure you *the voice of one man*
" is able, in an hour, to put more life *in us*, than 600
" trumpets continually blustering in our ears.

" Mr. Knox spoke on Tuesday to the Queen : he
" knocked so hastily upon her heart, that he made her
" to weep, as well for anger as for grief.

" Upon Sunday the 24th of September 1561, her
" Grace's chaplains, in the Chapel-Royal, would have
" sung high mass : the Earl of Argyle and Lord James
" (i. e. Murray) so disturbed the quire, that some,
" both priests and clerks, left their places with broken
" heads and bloody ears.—It was a great sport to
" behold it."

24th

in Scotland, he thus writes : " I have shewn
 " your Honour's letter unto the Lord
 " James (Murray), Lord Morton, and Le-
 " thington :

24th October 1651. " As to Mr. Knox, I com-
 " mend better the *success* of his doings and preach-
 " ings, than the manner thereof. — His prayer is
 " daily for her (the Queen), *That God will turn her*
 " *obstinate heart against God and his truth ; or, if the*
 " *holy will be otherwise, to strengthen the hearts and*
 " *hands of his chosen and elect, stoutly to withstand the*
 " *rage of all tyrants, &c. in words terrible enough.*"
 Cot. Lib. Cal. x.

In what a piteous situation must this princess have been, surrounded with those men, in league with her mortal foe, who, on the moment of her arrival among them, could, in her own capital, use their Sovereign with such brutality !

To shew that the English resident does not misrepresent Knox, we shall quote a short passage from one of his own sermons, and another from his History.

Soon after the Queen's marriage, the King came to hear divine service in St. Giles's church in Edinburgh, where Knox preached before him. Among other seditious passages, he had this remarkable one : " That
 " God, for the offences and ingratitude of the people,
 " set in the room (i. e. place) of princes, *boys and*
 " *women ;*

“ thington : they wish, as your Honour
 “ doth, that she (Mary) might be stayed yet
 “ for a space ; and if it were not for their

“ women : That God justly punished *Abab* and
 “ his posterity, because he would not take order
 “ with *that harlot Jezebel*.” Knox’s Hist. b. v.—In
 his History he says, “ Of the tyranny of the *Guisian*
 “ blood, in her, that for our unthankfulness now
 “ reigneth over us, we have had sufficient experience ;
 “ but of any virtue that ever was espied in King
 “ James V. whose daughter *she is called*, to this hour
 “ we have never seen any sparkle.” Keith, p. 130.

Dr. Robertson, in his History, vol. i. p. 157. is
 pleased thus to characterise Mr. Knox : “ Knox”
 (says he) “ infused generous sentiments of govern-
 “ ment in the minds of his hearers.”

I oppose to this Mr. Hume’s character of Knox :
 “ The Queen” (says Mr. Hume) “ endeavoured, by
 “ the most gracious condescension, to win his favour ;
 “ all her insinuations could gain nothing on his ob-
 “ durate heart.—The political principles of the man,
 “ which he communicated to his brethren, were as
 “ full of sedition, as his theological were of rage and
 “ bigotry.” Vol. v. p. 51. octavo edit.—The reader
 will be at no loss to judge, which of the historians
 has given the justest character of this theological
 demagogue,

“ obedience

“ obedience sake, some of them *care not*
 “ *though they never saw her face.* —
 “ They have need to look unto themselves :
 “ for their hazard is great ; and they see
 “ there is no remedy nor safety for them-
 “ selves, but to *repose* upon the *Queen’s*
 “ (Elizabeth’s) *Majesty’s favour and support.*
 “ They are in mind shortly to try what
 “ they may be assured at, of the *Queen’s*
 “ Majesty, and what they may assuredly
 “ perform, of that they intend to offer
 “ for their parts.—They intend to expof-
 “ tulate with me hereupon. I have my
 “ answer ready enough to them.” —

“ By fuch talk, as I have of late had
 “ with the *Lord James and Lethington*, I
 “ perceive that they are of mind, that im-
 “ mediately of the next convention, I fhall
 “ repair to you with their determination
 “ and refolution in all purpofes, wherein
 “ your Honour’s advice is earneftly and
 “ fhortly looked for.—The *Lord of Le-*
 “ *thington*

“ *thbington* leaveth nothing at this time un-
“ written, that he thinketh may be able to
“ satisfy your desire in knowledge of the
“ present state of things here *.”

We see from this letter, that the affected pretence of those persons, for associating themselves, and carrying on this underhand treacherous intelligence and correspondence with England, was their fears from Mary on her arrival in her own dominions. How false these pretences were, may be judged from the conduct of this deluded Princess; who, immediately on her arrival, threw herself into the arms of these very men, Murray, Morton, and Lethington †; who, notwithstanding they had the sole power in their hands, still continued to carry on their treacherous practices with England.

* Cotton Lib. B. x. fol. 32. Robertson, vol. ii. Append. p. 11.

† Robertson, vol. i. p. 230.

In

In the abstract of Randolph's letters to Cecil, now in the Cotton Library, we find in one of them, of the 19th June 1563, these words: "If any suspected letters be taken on the border, open them not, but send them to my Lord of Murray, *of whose service the Queen of England is sure* *."

We now proceed to unfold some overt acts of Murray, in prosecution of his view of disturbing the government, and seizing the reins into his own hands.

The Queen's purpose to marry the Lord Darnley, in the year 1565, was an event which seemed to cross Murray's ambitious views, in placing a master over him for the present, and, by the prospect of the Queen's issue, cutting off all his future hopes.

Mary, then the most amiable and most accomplished woman of the age, had received solicitations of marriage from many

* Keith, p. 241.

of the Princes on the Continent: but the aversion of her subjects to a foreign alliance, and the will of her father King James V. determined her choice in favour of her cousin, Henry Stuart, Lord Darnley, the eldest son of the Earl of Lennox. Upon this head, John Knox, in his History of the Reformation, has a just and singular remark. It is doing him justice to give it in his own words: "The Queen being at Stirling, order was given to Secretary Lethington to pass to the Queen of England,—to declare, that Queen Mary was minded to marry her cousin, the Lord Darnley; and the rather, because he was so near of blood to both Queens: for by his mother he was cousin-german to the Queen of Scotland; also of near kindred, and the same name, by his father: his mother * was cousin-german

* She was daughter of Margaret, the eldest sister of King Henry VIII. by Douglas Earl of Angus, whom she married after the death of King James IV. her first husband.

“ to the Queen of England. Here mark
 “ God’s Providence: King James V. hav-
 “ ing lost his two sons, did declare his reso-
 “ lution to make the Earl of Lennox his
 “ heir of the crown; but he, prevented by
 “ sudden death, that design ceased: then
 “ came the Earl of Lennox from France,
 “ with intention to marry King James’s
 “ widow; but that failed also: he marries
 “ Mary Douglas; and his son (Lord Darnley)
 “ marrieth Queen Mary, King James V.’s
 “ daughter: and so the King’s desire is
 “ fulfilled, to wit, the crown continueth in
 “ the name and in the family.” A mar-
 riage which thus connected every claim
 and title of succession to two kingdoms,
 often at variance together, and in whose
 quarrels a deluge of blood had been shed
 on both sides, was an event much to be
 wished for by all good men, and by none
 so much as by the friends of Queen Mary
 and her family, to whom so great a prospect
 opened.

Let

Let us now see the sentiments and behaviour of her patriot brother, the Earl of Murray, on this occasion. I shall still follow my Author, Knox: "The Queen" (says he) "wrote incontinent for all the "Lords to come to Stirling.—The special "cause of this convention was to give to "the Lord Darnley title of honour openly "and solemnly, with consent of the Nobles, "before the marriage. The fourth day of "May, the Earl of Murray came to Stirling; where he was well received by the "Queen's Majesty, as appeared; and as "he passed with her to my Lord Darnley's "chamber, they presented to him a contract, containing, in effect, That forasmuch as since the Queen had contracted "marriage with the Lord Darnley, and "that therefore sundry Lords of the Nobility had underwritten, ratified, and approved the same, and obliged themselves "to grant unto him, in full Parliament, the

VOL. I. B b "crown

“ crown matrimonial;—to serve and obey
 “ him and her as their lawful Sovereigns:
 “ the Queen desired my Lord Murray
 “ to subscribe as others had done before.
 “ *Which he refused to do; because, said*
 “ he, it is required, necessarily, that the
 “ whole Nobility be present, at least the
 “ principal, and such as he himself was
 “ posterior unto, before that so grave
 “ a matter should be advised and con-
 “ cluded.

“ The Queen, noways content with this
 “ answer, insisted still upon him, saying,
 “ the greatest part of the Nobility were
 “ there present, and content with the mat-
 “ ter; wished him to be so much a Stuart,
 “ as to consent to the keeping of the crown
 “ in the family and the surname, according
 “ *to their father's will and desire, as was*
 “ said of him a little before his death.
 “ But he still *refused*, for the causes above
 “ written.”

This

This fact speaks aloud : here we have a glimpse of those black designs which lay brooding at the heart of this bastard-brother of the Queen ; and from this time we shall see these designs gradually unfold themselves into ouvert acts.

For preventing the Queen's marriage, a conspiracy and association was formed, of which Murray was at the head, to seize the Queen and Lord Darnley at the kirk of Beith, on their return from Perth, on the 1st of July 1565 ; to imprison her in the castle of Lochleven ; and to murder or seize Darnley, and send him prisoner to England.—Of all this the evidence follows.

Randolph, Queen Elizabeth's minister at Edinburgh, from his letters, appears to have been deeply engaged with the conspirators in this plot. In his letter 3d June, he thus writes to Cecil : " People have

B b 2

" small

“small joy in this their new master, and
 “find nothing, *but that God must find him*
 “*a short end, or them a miserable life.* The
 “dangers of these he now hateth are
 “great; but they find some support, that
 “*what he intendeth to others, may light upon*
 “*himself*.*”

In his letter of the 2d of July, he writes thus to Cecil: “*With my Lord of Murray I*
 “have lately spoken: he is grieved to see
 “the extreme follies in his Sovereign; he
 “lamenteth the state of the country, that
 “tendeth to utter ruin; *he feareth* that the
 “Nobility shall be forced to assemble them-
 “selves together, to do her honour and
 “reverence, as they are in duty bound;
 “but, at the same time, to provide for the
 “state, that it do not utterly perish.—
 “The Duke, the Earl of Argyle, and he
 “(Murray), concur in this *device*; many

* Keith, p. 282.

“others

“ others are like to join them in the same:
“ what will ensue, let wise men judge *.”

How the ruin of the state was to ensue from this marriage, founded, to all appearance, upon principles both wise and salutary for the state, and approved by all good men, is not so easy to be comprehended. That the Queen's marriage was a very great bar in the way of Murray, is extremely obvious; and for that reason, that the most desperate measures were put in execution by him, to prevent its having effect, we shall soon see. At this very period, however, it is acknowledged by all our Historians, that the Queen was the darling of her people, and that her government was mild and unexceptionable to all. This Dr. Robertson candidly acknowledges †. The only grievance therefore here complained

* Cotton Lib. Calig. book x. fol. 299. Keith, p. 289.

† Robertson, vol. i. p. 288. vol. ii. Diff. p. 3.

of by Murray and his associates, seems to be, that the Queen should think of marrying, which they foresaw might put an end to that party in the English interest, which Elizabeth cherished and kept up, for the purpose of disturbing Mary's government, and of which Murray, for his own private views, was at the head.

What lengths this association was resolved to go, in prosecution of their scheme to prevent the marriage, we proceed to unfold.

Randolph thus writes to Cecil in the above letter of the 2d of July: "Darnley's behaviour is such, as he is run in contempt of all men, even of those that were his chief friends: what shall become of him I know not, but it is greatly to be feared *that he can have no long life among this people* *." Here is a predic-

* Keith, p. 287.

tion,

tion, which, without the gift of prophecy, Randolph might very safely make from what follows in his letter: "The question" (says he) "has been askt me, Whether, "if they (Darnley and his father Lennox) "were delivered to us at Berwick, we would "receive them? I answered, We would "receive our own, *in what sort soever* "they came in to us*;" *i. e.* dead or alive.

This conspiracy being detected by the Queen, the very day before it was concerted to have been put in execution, she, with the assistance of the Earl of Athol, and what men he could instantly raise, made a sudden march to Edinburgh; which entirely disconcerted Murray and his confederates, infomuch that, seeing themselves detected, they made their retreat to Stirling; where they assembled their strength, and soon

* Cotton Lib. Calig. book x. fol. 299. Keith, p. 290.

after took arms, and rose in open rebellion, This open attempt appeared to be so unprovoked and unjustifiable to the nation at large, that the Queen, with her whole people upon her side, found it an easy matter to crush Murray and his desperate party, who for refuge fled into England.

The desperate resolution of Murray and his party, of thus rising in open rebellion against their Sovereign, is opened to us by their confident Randolph, the English minister, in his letter to Cecil at this very time, 3d September 1565: "The Lords were
 " forced from Edinburgh.—The Queen
 " suspects Morton, yet hath he not the wit
 " to leave her. She weareth a pistol charged
 " when in the field; and of all her troops
 " her husband only has gilt armour.—
 " Divers of the other side are appointed to
 " set upon the Queen's husband, *and either*
 " *kill him, or die themselves.* They expect
 " relief from England: much promised,
 " but

“ but little received as yet. If her Majesty
“ will now help them, they doubt not *but*
“ *one country will receive both the Queens* *.”

I shall only add one testimony more; and that is, no less than the affirmation of most of the Scotch Nobility; among whom were the Earls of Argyle, Rothes, and the Lord Boyd, who at first joined with Murray, but afterwards submitted, and were pardoned by the Queen, and must have certainly known the truth of what they subscribed to against Murray, their associate, in this affair. They declare in these words: “ That he, Murray, at this time, conspired the slaughter of the Lord Darnley, and to have imprisoned her Highness in Lochleven, and usurped the government †.”

Thus

* Cotton Lib. Calig. book x. fol. 335. Keith, App. p. 164.

† Dr. Robertson acknowledges this conspiracy for seizing Darnley, and sending him a prisoner to England, *vol. ii. p. 284.*; and endeavours to balance it by
the

Thus have we full and clear proof, from the concurrent testimonies of the conspirators

the report of a counter-plot formed by Darnley to assassinate Murray at that time. Let us examine what appearance of truth there is in this counter-plot of Darnley's, from the Doctor's argument: "First," (says he,) "Buchanan positively asserts it; 2. Randolph asserts it; and, 3. Murray himself asserts it." *Ibid.* p. 285.

As to the first, Buchanan, he could not assert this from his own knowledge; for at that very time Buchanan was in France: but had he been on the spot, the innumerable falsehoods he has asserted against Queen Mary, which are contradicted in every page by the public records, and by the most authentic evidences still extant, justly render any authority taken from him a discredit to the author who relies on him.

As to Randolph and Murray, as we have seen them both associated by Randolph's own direct acknowledgment in the conspiracy against the Queen and Darnley, it is strange in Dr. Robertson to bring these two as witnesses to a story of their own making, for which they could never give any other author.

I cannot commend the Doctor on the head of impartiality in this matter. He excuses Murray for not coming to court to prove his assertion, and the truth of it. Murray was not desired to appear personally; he
was

rators themselves, of a plot and confederacy formed by Murray and his party for
over-

was required by act of Council, 17th July, upon his allegiance, to “declair plainly and uprightly the wordis
“and bruit made to him of the said allagit conspiracy,
“the form and manner of it, and the name of the
“reporter; and to put his declaration in write, and
“subscribe it, and send it with her advocate to her
“Majesty;—otherways that he would be held to be
“the inventor and author of that false report himself.”
Keith, Append. p. 108.

What answer does Murray give to this? That he was contented (rather) “to come to hir Majesty to
“declare the truth of the report made to him of the
“allegit conspiracy, provided he had an assurance of
“protection sent him.”

By act of Council, 19th of July 1565, the Queen accordingly sends him a protection for himself and his company to come to court.—Does he come? No! not although repeatedly required to do so, on his allegiance, and a second protection sent him for himself and eighty followers; yet Murray never would appear personally, nor give any declaration; nor did he ever name any person as the author of this report. The plain inference and conclusion follows, that he himself was the author of this invented plot. Let us hear
Mr.

overturning the government, dethroning Queen Mary, and murdering the Lord Darnley * ; and this carried into execution by an open rebellion, headed by Murray, which Queen Mary was so successful as to crush, and oblige him to fly the kingdom, and to take refuge under Queen Elizabeth, whose share in this enterprise is sufficiently proved by the preceding testimonies.

What motives, we now ask in our turn, could induce Murray, at this time, when the kingdom was in universal peace and quiet, under the mild government of his sister and benefactress, who had raised him

Mr. Hume's sentiments.—“ The conspiracy,” says he, “ of which Murray complains, is founded on very “ doubtful evidence ;” *vol. iv. p. 463*. After all, supposing it had been true, it could be no vindication of his treacherous association and conspiracy for seizing the Queen and Darnley, and rising in rebellion against them.

* Cotton Lib. Goodall, vol. ii. p. 358.

to the height of power next to herself, and trusted him with the administration of all affairs, thus, unprovoked, to form a plot to dethrone her, and murder her husband? What else, surely, but that inordinate lust of power and ambition, to set himself at the head of government, which ever has been, and will be a tempting motive to ambitious men to cut through the strongest ties, and to commit the worst of crimes! And although Murray failed at this time in his attempt, yet, by persevering in his scheme, and laying his plan deeper, he soon after was successful.

END OF THE FIRST VOLUME.

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